

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTIES LOCATED AT THE NE CORNER OF PACIFIC BOULEVARD AND 34TH AVENUE SW.

WHEREAS, the Albany Planning Commission recommended approval of the proposed map amendments, based on evidence presented in the staff report and testimony presented at the November 28, 2005, public hearing for City of Albany File Nos. CP-01-05 and ZC-01-05;

WHEREAS, the Albany City Council opened a public hearing on the proposed map amendments on March 8, 2006 and then continued the hearing until April 26, 2006, and

WHEREAS, the Albany City Council opened a public hearing on the proposed map amendments on April 26, 2006 and then continued the hearing until May 10, 2006, and

WHEREAS, the Mid Willamette Family YMCA has approved a "Transportation Facilities Agreement" (Exhibit "D") with the City of Albany that will assure necessary transportation system improvements will be made when the property described in Exhibit "C" is developed, and

WHEREAS, the Albany City Council made a decision to approve the proposed map amendments following the continued public hearing on May 10, 2006.

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

Section 1: The Findings of Fact, Conclusions, and Conditions included in the staff report attached as Exhibit "A" are hereby adopted in support of this decision. [Exhibit "B" is the map referred to in Sections 4 and 5 below.]

Section 2: The Albany Comprehensive Plan Map designation of the five properties described in Exhibit "C" is hereby amended from Light and Heavy Industrial to General Commercial.

Section 3: The Zoning Map designation of the five properties described in Exhibit "C" is hereby amended from LI (Light Industrial) and HI (Heavy Industrial) to CC (Community Commercial).

Section 4: A copy of the map showing the amendments to the Comprehensive Plan Map and Zoning Map shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

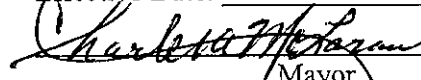
Section 5: A copy of the legal description of the affected property and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

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 passed by the City Council and approved by the Mayor.

Passed by Council: May 10, 2006

Approved by Mayor: May 10, 2006

Effective Date: May 10, 2006

  
\_\_\_\_\_  
Mayor

ATTEST:

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



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# Community Development Department

## STAFF REPORT Comprehensive Plan Map Amendment And Zoning Map Amendment

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<b><u>HEARING BODY</u></b>	CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, May 10, 2006
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **GENERAL INFORMATION**

DATE OF REPORT:	April 28, 2006
FILES:	CP-01-05 and ZC-01-05
TYPE OF APPLICATION:	1) <u>CP-01-05</u> : Comprehensive Plan Map amendment that would change the designation of about 11 acres of land from Light Industrial and Heavy Industrial to General Commercial.  2) <u>ZC-01-05</u> : Zoning Map amendment that would change the designation of the same 11 acres of land from LI (Light Industrial) and HI (Heavy Industrial) to CC (Community Commercial).
REVIEW BODY:	City Council (The Planning Commission had a public hearing on these applications on November 28, 2005, and recommended the City Council approve the applications.)
PROPERTY OWNERS:	<u>Tax Lots 501, 502, 505, and 507</u> : Mid-Willamette Family YMCA; 3311 Pacific Boulevard SW; Albany, OR 97321  <u>Tax Lot 506</u> : National Frozen Foods; P.O. Box 9366; Seattle, WA 98109
APPLICANT:	Mid-Willamette Family YMCA; Jim Asleson; 3311 Pacific Boulevard SW; Albany, OR 97321
APPLICANT REPS:	Joel Kalberer and Ed Schultz; Weatherford Thompson, et al; 130 1st Avenue SW; Albany, OR 97321
ADDRESSES/LOCATIONS:	<u>Tax Lots 501 and 502</u> : 3311 Pacific Boulevard SW <u>Tax Lot 507</u> : 3350 National Way SW <u>Tax Lots 505 and 506</u> : No addresses
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-4W-13DA; Tax Lots 501, 502, 505, 506, and 507
ZONING:	LI (Light Industrial) and HI (Heavy Industrial)
TOTAL LAND AREA:	10.94 acres

**EXISTING LAND USE:** There are industrial buildings used for storage, an unused industrial building previously used for processing titanium on these properties now, and a YMCA health club on these properties now.

**NEIGHBORHOOD:** West Albany

**SURROUNDING ZONING:** North: LI (Light Industrial) and HI (Heavy Industrial)  
 South: LI and HI across 34th Avenue  
 East: HI  
 West: OP (Office Professional) across Pacific Boulevard

**SURROUNDING USES:** North: Oberto Sausage Company (Smokecraft)  
 South: Scrap/junk yard (Burcham's Metals) across 34th Avenue  
 East: National Frozen Foods  
 West: Offices, residential development, and vacant land across Pacific Boulevard

**PRIOR HISTORY:** The YMCA has been located on their property since 1960. They have remodeled and improved the building and parking area several times in the last 45 years. The buildings on the other properties have been used for a variety of uses, including manufacturing and storage over the years.

**NOTICE INFORMATION**

A Notice of Public Hearing was mailed to surrounding property owners on February 15, 2006. The site was posted on November 21, 2005, (prior to the Planning Commission public hearing) with signs that advertised the public hearing. The signs have remained up since they were originally posted.

**PLANNING COMMISSION AND STAFF RECOMMENDATIONS**

**APPROVAL** of the Comprehensive Plan Map amendment that would change the designation of about 11 acres of land from Light Industrial and Heavy Industrial to General Commercial.

**APPROVAL** of the Zoning Map amendment that would change the designation of the same 11 acres of land from LI (Light Industrial) and HI (Heavy Industrial) to CC (Community Commercial).

**RECOMMENDED CITY COUNCIL ACTION**

Adopt the Ordinance attached to the front of the Staff Report.

**APPEALS**

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice.

## DESCRIPTION AND PURPOSE OF THE APPLICATIONS

The YMCA submitted a Comprehensive Plan Map amendment application and a Zoning Map amendment application. The applications propose to change the map designations of five separate parcels of land. The five parcels are currently designated on the maps for light and heavy industrial use. The applications propose to change the map designations to allow commercial use of the properties.

The YMCA owns four of the parcels. National Frozen Foods owns the other parcel. The YMCA submitted a "Memorandum of Understanding" signed by the general manager of National Frozen Foods that provides authorization by National Frozen Foods for the YMCA to submit the applications that include the property owned by National. The five parcels together total 10.94 acres.

There is a YMCA on two of the parcels. There are industrial storage buildings on one of the parcels. There is an unused industrial building last used for processing of titanium on one of the parcels. One of the parcels is vacant; it has been used by the YMCA for outdoor ball games.

The YMCA is classified as a commercial "entertainment and recreation" use (ADC 4.050). This type of use is not allowed in industrial zoning districts [ADC 4.060(7) (d) and (e)]. The YMCA was established on this property in 1960. The YMCA is a legal non-conforming use.

In written information submitted with the application, the YMCA says the purpose of the map amendment applications is to change the allowed use of the property so that the YMCA can expand on the property or so they can sell the property for commercial use. The YMCA believes if they choose to move to another site, that the highest and best use of the property is commercial use. The map amendments are needed for either an expansion of the YMCA (entertainment and recreation uses are allowed on commercial property) or a sale for commercial development.

The City Council held a town hall meeting on March 31, 2004. The topic was how should Pacific Boulevard south of Queen Avenue develop in the future? The City had recently completed a review of how much commercial and industrial land we would need in the future, and how much we have. The land use designations of a few properties were changed to increase the supply. The City Council invited comments about whether the Council should initiate zone changes along Pacific Boulevard, or whether the Council should wait to make changes when individual property owners decided to apply for changes. At the town hall meeting, the City Council specifically referenced the possibility that the YMCA might want a zone change for their property. About 50 people attended the meeting and presented their views. The Council subsequently decided not to initiate zone changes for property along Pacific Boulevard, but to wait for individual applications. The YMCA has now submitted applications for Comprehensive Plan Map and Zoning Map amendments for their property.

The Planning Commission had a public hearing on these applications on November 28, 2005, and recommended the City Council approve the applications. The City Council hearing was originally scheduled for March 8, 2006. The hearing was continued to April 26, then to May 10, 2006.)

## STAFF ANALYSIS

### **Comprehensive Plan Map Amendment File CP-01-05**

The Albany Development Code includes the following review criteria which must be met for this quasi-judicial map amendment to be approved. Code criteria are written in *bold italics* and are followed by findings, conclusions, and conditions where conditions are necessary to meet the review criteria.

- (1) *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

### REQUESTED DESIGNATION OF THE PROPERTY

- 1.1 The current Comprehensive Plan Map designations of the property are Light Industrial and Heavy Industrial.

The Light Industrial designation “identifies areas suitable for a wide range of light industrial uses, including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial Zones.”

The Heavy Industrial designation “provides for most types of manufacturing and processing, storage and distribution, and other types of industrial uses that require large amounts of land in proportion to the number of employees and are potentially incompatible with most other uses, but comply with the development and environmental standards of the Development Code.” (Comprehensive Plan, pages 9-12.)

- 1.2 The requested designation of the property is General Commercial. The General Commercial 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.” (Comprehensive Plan, pages 9-12.)

### CITY OBLIGATION IN REGARD TO GOALS AND POLICIES

- 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 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).” (Comprehensive Plan, pages ii and iii)

### RELEVANT GOALS AND POLICIES

- 1.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed General Commercial designation is more supportive of the Comprehensive Plan, on balance, than the current Light Industrial and Heavy Industrial designations. Goals and policies are listed below in *bold italic* print followed by findings of fact and conclusions.

## GOAL 1: CITIZEN INVOLVEMENT

- 1.6 *Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.*

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

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

*Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.*

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

The City of Albany's Comprehensive Plan and Development Code include requirements for citizen involvement in the decision-making process for Comprehensive Plan Map Amendments. Comprehensive Plan Map Amendments are processed as Type IV land use decisions with notice to affected parties, including surrounding property owners and affected government agencies. Public hearings before the Planning Commission and City Council are held. Notice of the public hearings is posted on the subject property, and at other public locations in Albany. The City's Comprehensive Plan and Development Code, including the processes for citizen involvement, have been acknowledged by the Land Conservation and Development Commission as consistent with statewide planning goals.

People who are notified of the public hearing are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the application is based on the review criteria listed in the Development Code. The review criteria for Comprehensive Plan Map amendments ask about the long and short term impacts of the proposed changes and about the public need for the change. These questions are discussed under Goal 2 below. The purpose of the public hearing is to provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The Planning Commission and City Council facilitate this process at the public hearings.

A town hall meeting was held in March 2004. The topic was, How Should Pacific Boulevard South of Queen Avenue Develop in the Future? The City Council invited comments about whether the Council should initiate zone changes along Pacific Boulevard, or whether the Council should wait to make changes when individual property owners decided to apply for changes. The Council subsequently decided not to initiate zone changes for property along Pacific Boulevard, but to wait for individual applications. The YMCA has now submitted applications for Comprehensive Plan Map and Zoning Map amendments for their property.

## GOAL 2: LAND USE PLANNING - UPDATING AND AMENDING THE COMPREHENSIVE PLAN

- 1.7 *Goal: To "Undertake Periodic Review and Update of the Albany Comprehensive Plan to ensure the Plan:*

- 1. Remains current and responsive to community needs.*
- 2. Retains long-range reliability.*

3. *Incorporates the most recent and reliable information.*
4. *Remains consistent with state laws and administrative rules.*

***Policy 2: Base approval of Comprehensive Plan amendments upon consideration of the following:***

***a. Conformance with goals and policies of the Plan.***

How this application conforms to the goals and policies of the Comprehensive Plan is the subject of the discussion under this review criterion.

***b. Citizen review and comment***

A Comprehensive Plan Map amendment application is processed as a Type IV land use decision. The City's Development Code requires notification to surrounding property owners that this Comprehensive Plan Map amendment application has been received and that there will be public hearings on the application. Signs advertising the public hearing must also be posted on the property [ADC 1.440 and 1.410]. A Notice of Public Hearing was mailed to surrounding property owners and the property was posted with the required signs.

***c. Applicable Statewide Planning Goals***

How the proposed changes comply with the Statewide Planning Goals is discussed under Review Criterion (4) below.

***d. Input from affected governmental units and other agencies***

Local utility providers may have an interest in the proposed change in the land use designation of this property. Local utility companies were notified of the proposed map amendments.

Pacific Boulevard is a State highway (Highway 99E) under the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT was notified of the proposed map amendments.

ORS 197.610 requires the City to notify the Oregon Department of Land Conservation and Development (DLCD) of any proposed changes to the Comprehensive Plan Map and/or Zoning Map. Notice was provided to DLCD.

***e. Short- and long-term impacts of the proposed change.***

***f. Demonstration of public need for the change.***

***g. Demonstration that the proposed amendment will best meet the identified public need versus other available alternatives.***

***h. Any additional information as required by the Planning Commission and City Council.***

The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

**GOAL 9: ECONOMY**

- 1.8 Goal 9, Comprehensive Plan Economic Development goals and policies, are organized under headings Albany's Economy, Land Use, Public Infrastructure, and Natural Resources and Environment.

**Albany's Economy**

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

The current industrial designation of the property provides the opportunity for industrial uses on the property. The property currently has industrial storage buildings, a vacant building previously used for processing of titanium, and a YMCA health club on it.

The General Commercial Comprehensive Plan designation will provide the opportunity to zone this property for a wide range of commercial uses. If Albany is to be a regional economic center, the City must attract businesses that serve the region.

The applicants have submitted a concurrent zoning map amendment application to zone the property CC (Community Commercial). The CC designation will allow a variety of commercial uses on the property. ADC 4.020(3) describes Community Commercial zones as suitable for a diversity of small to medium-scale businesses, services, and sites mostly located on arterial streets and highways.

## Land Use

1.10 ***Goal 1: Ensure 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.***

1.11 Commercial Land – the Economic Opportunities Analysis

The City has been reviewing the Comprehensive Plan as part of a State-mandated “periodic review.” As part of periodic review, ECONorthwest did an *Albany Economic Opportunities Analysis* (EOA), dated February 2002. The EOA was adopted by the City Council on October 23, 2002 (Ordinance 5543), as a background document for the Comprehensive Plan update.

The EOA projects that there will be demand for 76 acres of buildable commercial land between 1999 and 2020 (EOA, pages 3-5, Tables 3-6 and 3-7). The EOA shows that there are 325 acres of vacant and redevelopable commercial land in the Albany Urban Growth Boundary (UGB) (EOA, pages 3-9, Table 3-11). There is a surplus of 249 acres of commercial land in the UGB (EOA, pages 3-9).

But the EOA notes that, “when parcel size is a factor, the surplus of buildable land may actually be much less, due to very few vacant parcels larger than one or five acres in most commercial zones.” (EOA, pages 3-9) [Emphasis added.]

“While Albany has a lot of vacant land, the location and size of these parcels may not be suitable to meet the needs of businesses and industries... A more detailed look at the data by parcel in Appendix A shows there are very few parcels over five acres zoned for commercial uses.” (EOA, page 4-4)

The EOA finds that there are 10 vacant or redevelopable commercial parcels larger than 5 acres in the UGB (EOA, pages 3-8, Table 3-10).

The inventory did not take into consideration that development of some of the parcels in the inventory might be constrained by environmental factors, such as wetlands, floodplains, and riparian corridors. The inventory did not take into consideration that government and churches own some of the parcels in the inventory, and so the parcels are unlikely to be developed for commercial uses.

The EOA inventory of vacant and redevelopable land was done in 2000. Old commercial zoning districts have been added and new ones created. The EOA inventory is out-of-date.

1.12 Commercial Land - The City’s Inventory

The City has a new inventory of vacant and redevelopable commercial parcels. The inventory was done in July 2005 using the City’s Geographic Information Services databases.



The City's inventory of vacant commercial land shows that there are eight parcels larger than 5 acres in the City limits of Albany. The parcels are zoned either RC (Regional Commercial), CC (Community Commercial), or MUC (Mixed Use Commercial). Each of these designations allows a variety of commercial uses. There are three parcels larger than five acres designated on the Comprehensive Plan Map outside the City limits in the UGB for commercial use. The largest of these parcels is about 7.5 acres, and the parcels area designated Light Commercial. CC zoning is not compatible with the Light Commercial zoning designation. The sewer and water lines that must be extended to serve these parcels are about 2,000 feet away.

#### 1.13 Status of the City's Inventory

In recent decisions, LUBA and the Court of Appeals have decided that cities cannot use new data on vacant land (buildable lands inventories) unless they have been adopted into the Comprehensive Plan.

So, we cannot use our new inventory of buildable commercial land, but staff did want to include a reference to it here as a reality check on how the EOA numbers compare to the new, more up to date, inventory. The EOA inventory finds 8 vacant or redevelopable parcels larger than 5 acres.

The City's inventory finds 13 commercial parcels larger than 5 acres. The City's inventory finds only three parcels larger than 10 acres. Two of the parcels are in mixed use commercial (MUC) zoning districts, where the size of building footprints is limited to 20,000 square feet, except when a grocery store occupies part of the building. If a grocery store occupies at least 50 percent of the building, the building may be up to 80,000 square feet. The only commercial property larger than 10 acres that does not have this limit is the Epping property (also known as the "piano property") on Pacific Boulevard near 53rd Avenue (zone RC).

#### 1.14 Commercial Land - The Hobson Ferrarini Public Needs Analysis

In findings submitted with the Comprehensive Plan Map and Zoning Map amendments, the applicants say "the city had only 11 commercial parcels of five or more acres, just 2% of all commercial sites in the Albany UGB." (Findings, page 9) The applicants cite a previous Wal-Mart application, City of Albany, and an analysis done by Hobson Ferrarini Associates.

Pacland, a consulting engineering and planning firm, submitted Comprehensive Plan Map and Zoning Map amendment applications in May 2004 for property located on the east side of Pacific Boulevard, just north of 29th Avenue. This property was last used by Stone Forest Industries as a plywood mill about ten years ago. They sold the property about five years ago. The property is commonly known now as the Stone Forest property. It was generally known that Wal-Mart wanted to build a Wal-Mart supercenter on the property.

A report submitted with that application updated the EOA inventory of parcels available for commercial development in the City. The report is titled "Public Need Analysis for Retail Space in Albany, Oregon." The report was done by Hobson Ferrarini Associates. It's dated October 2003. The applicants for the Stone Forest property asked that the City not schedule a public hearing on these applications until traffic issues were resolved. A hearing has not been held.

The Public Need Analysis finds that there are three vacant parcels of commercial land five acres or larger in Albany. The data is flawed and/or out of date. For example, Exhibit 3 lists no parcels zoned Regional Commercial that are between 5 and 10 acres. Coastal Farm owns a 6-acre parcel of land that is zoned RC. Exhibit 3 also does not show recently zoned large MUC (Mixed Use Commercial) parcels on the north and south sides of Knox Butte Road (9.5-acre and 30-acre parcels).

The applicants for the YMCA map changes cite the Public Need Analysis in support of their application. "After deducting environmental constrained land (wetlands, riparian areas, etc.) and land owned by a government entity or church (that is likely to be used for non-industrial purposes) the City's supply of large commercial sites was reduced from 11 to 3..." They conclude that, "this supply is not adequate to 'provide for the full range of economic development opportunities in Albany.'" (Applicant's Findings, page 10)

The applicants for the YMCA property also cite a 2003 ECONorthwest study done for another Comprehensive Plan Map amendment application. They conclude that, "in sum, these two studies support the conclusion that rezoning the subject property from Industrial to Community Commercial will help alleviate this large commercial parcel shortage." (Applicant's Findings, page 11)

The 2003 ECONorthwest study addresses primarily the supply of, and demand for, Regional Commercial land. For example, "An analysis of commercial land data provided by the City of Albany, however, indicates that there are few large sites available for regional commercial developments." And, "Overall, it appears that the City is not meeting its stated intention for the Regional Commercial zone, specifically to create sites near I-5 for larger commercial developments that serve a regional market." These facts are not necessarily germane to the YMCA application for map changes to General Commercial and Community Commercial zoning. The purpose of the 2003 study was to show that the City may not have enough large parcels near I-5 for regional commercial development.

#### 1.15 Commercial Land - Analysis of Demand for Large Commercial Parcels in Albany

The EOA analysis does not include a projection of demand for commercial parcels larger than 1 or 5 acres. The Hobson Ferrarini analysis does not talk about demand for commercial land in Albany. They talk about demand for commercial land in the trade area identified for the Stone Forest property. The City does not have data on demand for large parcels.

However, Goal 9, Policies General, Policy 3, says the City will designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs. [Emphasis added.]

#### Policies - Commercial

- 1.16 *Policy 1: The size and type of future commercial sites should be proportional to the area to be served and located so as to be easily accessible by the service area. Approvals of commercial sites may be based on studies requested by the City that assess public need and impacts on competing commercial areas, traffic, and other public services.*

#### 1.17 Trade Area for Commercial Development on the YMCA Property

The applicants for the Comprehensive Plan Map and Zoning Map amendments for the Stone Forest property retained Hobson Ferrarini Associates, Real Estate Advisors, to prepare an analysis that evaluates the demand for more commercial land within the trade area that would be served by a commercial development on the 23-acre Stone Forest property.

The YMCA application relies on the Hobson Ferrarini analysis to conclude that more commercial land is needed within the trade area that would be served by commercial development on the YMCA property.

The Hobson Ferrarini analysis identifies the trade area for a commercial retail development on the Stone Forest property. Primary and secondary trade areas are identified. The primary trade area is the geographic area from which the major portion (75 percent or more) of patronage will be obtained. The secondary trade area is the area in which households are equidistant from the Stone Forest property and the retail area near Santiam Highway and Waverly Drive.

The YMCA application assumes that the trade area for commercial development on the YMCA property is the same as the trade area for a 23-acre commercial development on the Stone Forest property.

The International Council of Shopping Centers (ICSC) is the global trade association of the shopping center industry. The ICSC classifies shopping centers by categories such as size, number of anchors, merchandise orientation, and trade area. As a general rule, the main determinants in classifying a center are its merchandise orientation (types of goods and services sold) and its size. (www.icsc.org) [The Hobson Ferrarini analysis uses Urban Land Institute data about types and sizes of shopping centers, but it is similar to ICSC data.]

A neighborhood center is designed to provide convenience shopping for the day-to-day needs of consumers in the immediate neighborhood. A neighborhood center may be anchored by a supermarket or a drugstore. These anchors are usually supported by stores that offer drugs, sundries, snacks, and personal services.

ICSC describes a neighborhood center as having 30,000 to 150,000 square feet of space. The trade area for a neighborhood center is about 3 miles.

A community center typically offers a wider range of apparel and other soft goods than the neighborhood center. Among the more common anchors are supermarkets, super drugstores, and discount department stores.

ICSC describes a community center as having 100,000 to 350,000 square feet of space and a trade area of 3 to 6 miles.

The land for which the Comprehensive Plan Map amendment is proposed is about 11 acres. This would allow up to about 120,000 square feet of commercial building square footage using the typical building square footage to land ratio of 0.25. (Hobson Ferrarini analysis, page 9, and ECONorthwest in City of Albany File CP-01-03.) A recent example is the shopping center on Hickory Street in North Albany that was approved in May 2005. The shopping center will have about 111,000 square feet of building area in ten buildings on 13.5 acres.

The maximum building footprint in CC zoning districts is 100,000 square feet. Commercial development on 11 acres could be categorized as either a neighborhood center or a community center. The trade area would be about 3 miles, although it could extend further where there are no competing developments.

The trade area identified in the Hobson Ferrarini analysis shows an area with about a 3-mile radius. The Hobson Ferrarini analysis points out that a trade area boundary is not just a 3-mile circle around a property. The boundary is modified by barriers to travel such as lakes, rivers, and freeways because they block access and prevent consumers from patronizing development in certain circumstances.

It is reasonable to accept the trade area identified in the Hobson Ferrarini analysis as an approximation of the trade area for commercial development on the YMCA property. (It is likely that the Hobson Ferrarini analysis underestimated the size of the trade area for a 200,000-square-foot commercial development on the 23-acre Stone Forest property.)

#### 1.18 Demand for Retail Space and Commercial Land in the Trade Area

Once the trade area has been defined, a "residual demand analysis" looks at how many people and/or households there are in the trade area, and how much per year they spend on retail goods. The amount of money spent by these households on this type of goods will support a commensurate amount of retail store square footage. The amount of land that is needed for retail stores can be calculated. Then the analysis compares the current supply of land to future demand. This methodology is accepted by economists and retail developers as a *valid method of estimating demand* for commercial land.

The Hobson Ferrarini analysis uses a residual demand analysis to compare the supply of land currently designated for commercial use in the trade area to the demand for commercial land over the next 20 years. (Hobson Ferrarini, pages 6, 7, and 8)

The analysis found that the population of the trade area in 2003 would spend about \$173 million on retail goods. The 2003 expenditures would support about 583,000 square feet of retail floor area.

The analysis found that there were about 112,788 square feet of retail space in the trade area at the time.

The trade area could have supported about 454,976 more square feet of commercial space. This amount of commercial space would take about 42 acres of land using the 0.25 floor area to land area ratio.

The analysis found that there were about 32 acres of commercial land in the trade area available for commercial development at that time. Ten additional acres of commercial land were needed then to meet the demand for commercial space in the trade area.

The analysis found that the population in the trade area would increase from 19,500 people in 2003 to 24,400 people by 2023. The amount of money the people in the trade area will spend on retail goods by 2023 will be \$303 million. This spending will support about 1,000,000 square feet of commercial floor space. An additional 52 acres of commercial land, beyond the 10 acres that were needed in 2003, will be needed to provide for commercial development between now and 2023.

If the YMCA property is designated for commercial use, 11 acres of 52 acres needed will be provided.

#### 1.19 Industrial Land – The Economic Opportunities Analysis

The EOA projects that Albany will need 115 acres of buildable industrial land between 1999 and 2020 (EOA, pages 3-5, Tables 3-6 and 3-7). The EOA shows that there are 831 acres of vacant and redevelopable industrial land in the UGB (EOA, pages 3-9, Table 3-11). There is a surplus of 716 acres of industrial land in the UGB (EOA, pages 3-9).

The EOA finds that there are 26 vacant or redevelopable industrial parcels larger than 5 acres in the UGB (EOA, Table 3-10 pages 3-8). The EOA does not address the need for large parcels of industrial land.

#### 1.20 Industrial Land – The City’s Inventory

The City’s inventory of industrial land, updated in February 2005, shows that there are 596 acres of vacant industrial land inside the City limits. The inventory shows that there are 14 vacant industrial parcels larger than 5 acres. There is additional acreage outside the City limits in the UGB.

#### 1.21 Status of the City’s Inventory

As explained above for the commercial land inventory, we cannot use our new inventory of buildable industrial land because of the recent court decisions, but staff did want to include a reference to it here as a reality check on how the EOA numbers compare to the new, more up to date, inventory.

The EOA inventory finds 26 vacant or redevelopable industrial parcels larger than 5 acres. The City’s inventory finds 14 commercial parcels larger than 5 acres in the City limits. But, note that the EOA inventory includes all parcels larger than 5 acres in the UGB, whereas, the City’s inventory only includes parcels larger than 5 acres in the City limits.

#### 1.22 ***Goal 4: Promote infill development and redevelopment throughout the City.***

The parcels for which the Comprehensive Plan Map amendment is proposed are located on the east side of Pacific Boulevard (State Highway 99E) and north of 34th Avenue. There is development on the

properties on all sides of the YMCA property.

The Comprehensive Plan does not include a definition of “infill development,” but infill, as typically used in land use planning, means the development of land that has at least some development on surrounding properties. The subject property meets this definition.

The Comprehensive Plan does not include a definition of “redevelopment,” but redevelopment, as typically used in land use planning, means removing existing development on land and building something new. Four of the parcels owned by the YMCA have buildings on them. One of the parcels is vacant.

Although it is possible that the buildings could be used for a commercial use if the Comprehensive Plan Map designation is changed, it is likely the buildings would be removed because they were designed and built for industrial and institutional uses. The property will be redeveloped.

1.23 ***Goal 5: Improve community appearance and establish attractive gateways into Albany and visually appealing highway corridors.***

The buildings on the property were designed and built for industrial and institutional uses. The development on the property does not meet the City’s Development Code requirements for landscaping. If the use of the buildings changed to a more intense use, or if the property is redeveloped, today’s landscape requirements must be met.

Policies - General

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

See the discussion under Findings of Fact 1.11 – 1.18 above.

1.25 ***Policy 2: Encourage land use patterns and development plans that 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 that increase energy efficiency.***

The potential for a new land use pattern will be created at this location if the Comprehensive Plan Map is amended to allow commercial use on the YMCA property instead of industrial use. The property is 11 acres. This provides enough land for up to about 120,000 square feet of commercial floor space.

There is a residential neighborhood across Pacific Boulevard to the west. This neighborhood has access to Pacific Boulevard on 36th Avenue and on 29th Avenue. The nearest commercial areas are about three-quarters of a mile to the north on Pacific Boulevard, one mile to the south on Pacific Boulevard, and about one mile to the east on 34th Avenue. Commercial development on the YMCA property would provide the opportunity for the residents of the neighborhood to the west to patronize new businesses closer to the neighborhood than the existing businesses.

Pacific Boulevard is on Albany Transit routes 1, 3, and 4. Thirty-fourth Avenue is on Route 3.

1.26 ***Policy 3: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.***

See the discussion under Findings of Fact 1.11 - 1.18 above.

1.27 ***Policy 4: Provide development opportunities for large-scale industrial and commercial development and for people to live near activity centers, particularly their place of employment.***

The property where the Comprehensive Plan Map amendment is proposed is currently divided into five separate parcels. The five parcels together total about 11 acres. This is enough land to develop up to 120,000 square feet of commercial space. This would create the opportunity to create a large scale commercial development in proximity to the residential neighborhood to the west.

- 1.28 ***Policy 7: Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses.***

As discussed under Finding 1.21 above, development on the YMCA property would be considered infill development. As discussed under Finding 1.31 below, the YMCA property has services such as water and sewer. The property would most likely be redeveloped if the designation of the property is changed from industrial to commercial.

#### Policies – Industrial/Employment

- 1.29 ***Policy 1: Recognize the special needs of the area's existing industry, and ensure the provision of adequate industrial land for expansion and future development of the forest-products, rare-metals, and agriculture-related industries.***

National Frozen Foods owns one of the parcels where the map amendments are proposed. The YMCA has the option to buy the vacant parcel from National Frozen Foods, so presumably National Frozen Foods does not need the land for expansion.

#### Policies – Commercial

- 1.30 ***Policy 1: The size and type of future commercial sites should be proportional to the area to be served and located so as to be easily accessible by the service area. Approvals of commercial sites may be based on studies requested by the City that assess public need and impacts on competing commercial areas, traffic, and other public services.***

This policy was covered in Findings of Fact 1.16 above.

- 1.31 ***Policy 2: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that will foster:***
- a. ***Efficient and safe utilization of transportation facilities.***
  - b. ***A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.***
  - c. ***Compatibility between land uses, particularly adjacent residential neighborhoods.***
  - d. ***Efficient extension of public facilities and services.***

If the Comprehensive Plan Map designation of the YMCA property is changed from industrial to commercial, this will create a commercial property with 500 feet of frontage on Pacific Boulevard and 800 feet of frontage on 34th Avenue. The nearest other commercial properties on the east side of Pacific Boulevard is about three-quarters of a mile to the north and about one mile to the south. The nearest commercial property to the east is about one mile away (at 34th Avenue and Hill Street).

The intervening properties are designated and used for industrial uses. The proposed map change will create the northeast quadrant of a node of commercial development at the intersection of Pacific Boulevard and 34th Avenue. The adjacent industrial properties will separate the commercial land from the other nearest commercial land so that a strip of commercial development is not created along Pacific Boulevard. The YMCA property has utility services such as water and sewer. There is no residential land adjacent to the YMCA property.

## Public Infrastructure

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

**Goal 2:** *Provide a safe, diversified, economical and efficient transportation system (auto, transit, bicycles, pedestrian, rail and air) that protects and enhances Albany's economy, environment, neighborhood quality, and cultural and scenic values.*

**Policy 1:** *Encourage the siting of new industrial and commercial development on land that is adequately served by existing infrastructure; where the infrastructure can be made adequate, require the "minimum necessary" improvement cost to be borne by the new business rather than by existing taxpayers or utility rate payers.*

**Policy 2:** *Develop a transportation system, encourage land use patterns and design standards, and promote transportation projects, programs, and policies that reduce dependency on the automobile and encourage alternatives such as public transit, bicycling, walking, car and van pools.*

**Policy 5:** *Promote land use patterns, site design, and incentives that accommodate public transit, bicycling, walking, vans and carpools as alternatives to single-occupancy vehicle commuting.*

If the Comprehensive Plan Map designation of the property is changed from industrial to commercial, this will allow new commercial development. The property has public infrastructure in place to serve it.

Transit and sidewalks: Pacific Boulevard is adjacent to the west boundary of the property. Thirty-fourth Avenue is adjacent to the south. Pacific Boulevard is on Albany Transit System Routes 1, 3, and 4. Thirty-fourth Avenue is on Albany Transit System Route 3. There are sidewalks along both sides of Pacific Boulevard and both sides of 34th Avenue. A more complete discussion of the impact of commercial development on the transportation system is included under Review Criterion (2) of the Zoning Map amendment review that follows on page 26 of this Staff Report.

The Hobson Ferrarini analysis notes that, where there is an insufficient supply of retail development, residents must travel outside the area to buy goods and services, creating a series of problems, including increasing vehicle miles traveled and traffic congestion.

Sewer: There is an 8-inch public sanitary sewer main in 34th Avenue, and a 12-inch main in Pacific Boulevard, south of 32nd Avenue. The City's Wastewater Facility Plan (June 1998) indicates that there are no collection system deficiencies within the sewer basin where the YMCA property is located.

Water: The City's utility maps show that the primary water lines in this area are a 16-inch public water main in 34th Avenue, and a 24-inch main running from the intersection of 34th Avenue and Pacific Boulevard to the water treatment plant.

Water system modeling software that is used by the City's Engineering Division indicates that flows available at this location exceed 10,000 gallons per minute (gpm). The City's Water Facility Plan (August 2004) does not show any needed water distribution system improvements between this site and the Vine Street water treatment plant.

Storm Drainage: The City's utility maps show that there is a 30-inch public storm drain line in 34th Avenue, and a 24-inch line in Pacific Boulevard. The storm water runoff from this drainage sub-basin is collected by public storm drainage lines where it ultimately flows to the south and into Oak Creek.

Maximum storm water runoff is produced by impervious surfaces created on a property, such as rooftops, paved parking areas, sidewalks, etc. The Albany Development Code sets the standard for the percentage of a property that can be covered by impervious surfaces. For development in Light Industrial and Heavy

Industrial zones the Development Code allows 100% lot coverage. Developments in Community Commercial zones are allowed 90% lot coverage.

#### GOAL 12: TRANSPORTATION

- 1.33 *Goal: Provide a safe, diversified, economical, and efficient transportation system that protects and enhances Albany's economy, environment, neighborhood quality, cultural, and scenic values. For the purposes of this document, a transportation system includes auto, transit, bicycles, pedestrian, rail and air transportation.*

*Policy 1: When planning for, designing, and providing transportation systems:*

- a. Coordinate the requirements of the various transportation types with each other and minimize operational and safety conflicts.*
- b. Coordinate proposed projects with impacted agencies and businesses and applicable neighboring cities, county, state, and federal agencies.*
- c. Notify and coordinate with affected agencies regarding the transportation impacts of proposed development within or adjacent to the Urban Growth Boundary.*

*Policy 2: Protect transportation facilities, corridors, and sites for their identified functions.*

- a. Develop access control measures and encourage land development patterns that minimize direct access onto collector and arterial roads.*
- b. Protect the future operation of corridors by obtaining sufficient right-of-way or building setbacks to provide for future capacity in transportation corridors and by conditioning development proposals to minimize impacts.*
- c. Review land use designations, densities, and design standards for consistency with the functions, capacities, and levels of service of facilities identified in the TSP.*

*Policy 3: Develop a roadway system that is efficient and safe for the traveling public while preserving neighborhood quality and character.*

*Policy 4: Develop a transportation system, encourage land use patterns and design standards, and promote transportation projects, programs, and policies which reduce dependency on the automobile and encourage alternatives such as public transit, bicycling, walking, car, and van pools.*

- 1.34 See the discussion under Zoning Map Amendment Review Criterion (2). To avoid repeating the same information here, those findings and conclusions are included here by reference.

#### GOAL 14: URBANIZATION

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

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

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

*Policy 15: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-*



*efficient public transit systems, and permit building configurations which increase the efficiency of energy use.*

1.36 This same policy is discussed under Findings of Fact 1.31 above.

## CONCLUSIONS

- 1.1 The City is currently reviewing the Comprehensive Plan as part of State-mandated periodic review. As part of periodic review, the City had ECONorthwest do an Economic Opportunities Analysis (EOA). ECONorthwest started the EOA in 2000 and finished it in 2002. The EOA looked at how much commercial and industrial land the City would need for growth between 2000 and 2020. The EOA found that Albany had a surplus of 249 acres of commercial land in the Urban Growth Boundary at the time the analysis was done. The EOA found that we had a surplus of 716 acres of industrial land in the UGB.
- 1.2 But the EOA noted that, although we have a surplus of land, the location and size of the parcels of land that we have may not be suitable to meet the needs of businesses and industries.
- 1.3 The EOA includes an inventory of vacant parcels and land with low improvement value. The land with low improvement value is classified as “redevelopable” land. The vacant land and the redevelopable land together make up the inventory of “buildable” land. The EOA found that there were very few parcels of commercial land larger than five acres. The EOA found a relatively large number of industrial parcels larger than five acres. A more recent inventory of commercial and industrial land done by Planning staff confirms this.
- 1.4 Hobson Ferrarini Associates updated the EOA inventory of commercial land in 2003 for another Comprehensive Plan Map and Zoning Map amendment (Albany Retail Project). The purpose of the update was to demonstrate that the City did not have enough large parcels designated for regional commercial development. The applicants for the YMCA application cite the Hobson Ferrarini inventory in support of their application.
- 1.5 The data in the Hobson Ferrarini analysis is flawed and/or out of date and cannot be used to determine the current supply of commercial land.
- 1.6 The applicants also cite an inventory of commercial land done for another Comprehensive Plan Map and Zoning Map amendment application (File CP-01-03 – Ropp). That application proposed to change the map designations of 12 acres of land from residential to regional commercial. The purpose of the arguments presented in that application was to show that the City did not have enough large parcels near I-5 designated for regional commercial use. The YMCA applicants propose community commercial use of their 11 acres, so the analysis presented for regional commercial map designations are not necessarily applicable to the YMCA application.
- 1.7 Land Use, Goal 1 in the Comprehensive Plan, says that the City will ensure an adequate supply of appropriately zoned land to provide for the full range of economic development opportunities in Albany, including opportunities for industrial and commercial development.
- 1.8 **There is a surplus of vacant commercial land inside the UGB.**
- 1.9 **There is a surplus of vacant industrial land inside the UGB.**
- 1.10 However, Goal 9, Economy, Policies - General, Policy 3 says the City will designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs. [Emphasis added.]

- 1.11 Goal 9 Economy, Policies – Commercial, Policy 1, says that the size and type of future commercial sites should be proportional to the area to be served and located so as to be easily accessible by the service area.
- 1.12 The YMCA application relies on the Hobson Ferrarini analysis to conclude that more commercial land is needed at the location of the YMCA property.
- 1.13 The Hobson Ferrarini analysis identifies the trade area for 23 acres of regional commercial development on the Stone Forest property. Planning staff believes that the analysis underestimates the trade area for this development.
- 1.14 The International Council of Shopping Centers estimates that the trade area for a neighborhood shopping center is about 3 miles and the trade area for a community shopping center is up to six miles. We accept the trade area identified for commercial development on the Stone Forest property as the trade area for 11 acres of commercial development on the YMCA property. The 11-acre YMCA property could accommodate up to about 120,000 square feet of commercial development.
- 1.15 The Hobson Ferrarini analysis uses a “residual demand analysis” to compare the supply of retail space and land currently designated for commercial use and the demand for retail space and commercial land in the trade area. The analysis concludes that there was demand in 2003 for an additional 10 acres of commercial land and that there will be demand for about 52 more acres by 2023 in the trade area identified for commercial development on the YMCA property.
- 1.16 There are two vacant commercial sites over 5 acres in the trade area.

One of the sites is located at the northwest corner of Highway 20 and North Albany Road. The site is made up of two parcels owned by the Church of God. One of the parcels is 5.7 acres and the other parcel is 5.2 acres. Together they make up a site that is about 11 acres.

The second site is located at the southeast corner of 34th Avenue and Hill Street. This site is a 6.3 acre parcel made up of several tax lots under one ownership. This site, however, will be the subject of a proposed Comprehensive Plan Map and Zoning Map amendment applications in the near future. The applicants will propose to change the zoning of the property from CC (Community Commercial) to RS.5 (Residential Single Family). A neighborhood meeting on the proposal was held in August 2005. The property owners are working on the application. This property has been zoned for commercial use for 20 years and just one small branch bank was built on the property. If the zoning of the remaining 6.3 acres is changed to residential, that will leave just one parcel larger than 5 acres in the trade area identified for the YMCA property.

- 1.17 The four parcels owned by the YMCA were not included in the EOA inventory of buildable industrial land because the improvements on the property exceed \$100,000 in value. Only property with improvements valued at less than \$100,000 were considered to be redevelopable. The one vacant parcel owned by the YMCA was included in the inventory. This vacant parcel is about 3 acres.
- 1.18 Commercial development on the YMCA property would be considered infill development because the land around it is developed. Infill development is desirable because it does not require utility or street extensions to vacant land on the edge of the City.
- 1.19 If the YMCA property is redeveloped, new landscaping will be required which will improve the appearance of the Pacific Boulevard entry to Albany.
- 1.20 Changing the designation of the YMCA property to commercial will create a commercial corner near the residential neighborhood to the west. Commercial development will also be accessible from Pacific Boulevard (an arterial street and State highway) and 34th Avenue (also an arterial street). Both of these arterial streets provide convenient connections to residential neighborhoods in all directions. There are

sidewalks on both sides of Pacific Boulevard and on both sides of 34th Avenue. Pacific Boulevard and 34th Avenue are both on transit routes.

- 1.21 The nearest other commercial development is about a mile in each direction.
- 1.22 Where there is an insufficient supply of commercial development in an area, residents must travel outside the area to buy goods and services, creating problems such as increased vehicle miles traveled and traffic congestion.
- 1.23 The YMCA property has adequate services, including sewer, water, and storm drainage to serve commercial development on the property.
- 1.24 Vehicle access to the YMCA property can be made adequate with the transportation system improvements identified in the traffic impact analyses submitted with the map amendment applications. The improvements will be conditions of approval of development on the property.
- 1.25 **The City needs another large parcel of land zoned for commercial use in the trade area identified for the YMCA. The location of the YMCA property at the intersection of Pacific Boulevard (a major street/state highway) and 34th Avenue (an arterial street) makes it a good location for a commercial development.**
- 1.26 **The effect of removing the YMCA from the City's inventory of buildable industrial land will be a decrease of 3 acres in the supply of industrial land. (Only 3 acres of the 11 acres that are the subject of this application are vacant.) The YMCA property has not been used for industry for at least the 40 years the YMCA has been on the property. There will be no decrease in the supply of large industrial parcels.**
- 1.27 The requested General Commercial designation for the YMCA property 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 Light Industrial and Heavy Industrial designations.
- 1.28 The YMCA property is currently configured as five separate parcels. One of the most important conclusions of this review is that the City needs another large commercial parcel at this location. The applicants rely on this need to explain their proposal to change the land use designations of the property. If the property remains five separate parcels, the need for a large commercial parcel is not met. The property could be sold as five separate small parcels. The need for five small commercial parcels has not been demonstrated.
- 1.29 This review criterion can be met if the five parcels owned or controlled by the YMCA are combined into one parcel.

#### CONDITIONS

- 1.1 Before the City's official Comprehensive Plan Map is changed to show the five parcels owned or controlled by the YMCA designated General Commercial, and before the City's official Zoning Map is changed to show the five parcels as Community Commercial, the five parcels must be made into one parcel.
- (2) *The requested designation is consistent with any relevant area plans adopted by the City Council.*

#### FINDINGS OF FACT

- 2.1 "Relevant area plans" as used here means land use plans. Public utility plans, such as sewer and water master plans, are discussed under other relevant goals and policies.

2.2 The City has relevant area plans for areas such as East I-5 and North Albany.

2.3 There are no relevant area plans for the area where the YMCA 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.

(3) *The requested designation is consistent with the Comprehensive Plan map pattern.*

### FINDINGS OF FACT

3.1 The proposed Comprehensive Plan Map amendment would change the map designation of 11 acres from Light Industrial and Heavy Industrial to General Commercial. To the north, south, and east of the property where the Comprehensive Plan Map amendment is proposed is land designated for industrial use. The property to the north has a facility that processes and packages meat snack products on it. The property to the east has a facility that processes and packages agricultural products on it. The property across 34th Avenue to the south has a salvage/junk yard on it. The property across Pacific Boulevard to the west has offices and residential development on it.

3.2 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Particular goals and/or policies provide guidance about what kind of uses and land patterns are desirable.

For example, Goal 14 (Urbanization), Policy 12, says, "Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas... Goal 13 says, "Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding residential neighborhood." Goal 15 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." (Comprehensive Plan, page 8-3)

3.3 The Comprehensive Plan describes the land use designations that appear on the Comprehensive Plan Map. (Comprehensive Plan, page 9-12)

A Light Industrial designation on the Map "identifies areas suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial Zones."

A Heavy Industrial designation on the Map "Provides for most types of manufacturing and processing, storage and distribution, and other types of industrial uses that require large amounts of land in proportion to the number of employees and are potentially incompatible with most other uses but comply with the development and environmental standards of the Development Code."

3.4 The Heavy Industrial land that is the subject of this Comprehensive Plan Map amendment is part of the only area of land designated for Heavy Industrial use in the Albany Urban Growth Boundary.

3.5 The predominant map pattern for this area is Heavy Industrial land surrounded by Light Industrial land. This pattern extends from approximately Queen Avenue on the north to 41st Avenue on the south. There are three places on the edges of the Heavy Industrial land where this pattern does not hold. Heavy

Industrial land is adjacent to Residential land on the northern border of the Heavy Industrial land, but the two types of land are separated by the Albany-Santiam canal. Heavy Industrial land is adjacent to Public land at two places along the westerly border of the Heavy Industrial land, but the two types of land are separated by the Albany-Santiam canal. The right-of-way for the canal is about 50 feet wide.

- 3.6 In findings submitted with the application, the applicants say, "The proposed Comprehensive Plan Map designation is a continuation of the citywide zoning pattern of locating commercial development along major transit routes. The community commercial zoning ordinance provides for placement of such property along major arterials and highways. Throughout Albany, the Comprehensive Plan Map demonstrates this pattern along the three primary transportation routes of Pacific Highway, Pacific Blvd., and Santiam Highway. Adding commercial property at a key intersection of Pacific Highway and 34<sup>th</sup> Avenue is consistent with the clustering of commercial properties at large intersections for the convenience of nearby neighborhoods and employers. Changing the designation of this property will continue map patterns consistently demonstrated throughout the whole of Albany." (Findings, page 36)

While the observation that commercial land is generally located along major streets is correct, it is also true that the map pattern intentionally surrounds Heavy Industrial land with Light Industrial land.

The applicants for the YMCA application go on to say, "Finally, the proposed zoning designation is compatible with the current map pattern because it provides a better buffer from the heavy industrial uses. The purpose of the light industrial zoning is to provide a buffer from the heavy industrial zoning to the nearby residences. This side of Highway 99 contains a central core of heavy industrial uses surrounded by light industrial uses. The commercial zoning designation is not incompatible with the purpose of the light industrial zone, in fact it can provide a better buffer for nearby residences than many light industrial uses. The fact that the current use of the property as a YMCA demonstrates that the commercial use on the property is not conflicting. Rezoning the property to community commercial will continue the map pattern purposes as provided in the Comprehensive plan." (Findings, page 36)

- 3.7 ADC 9.210 says that, "In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix that follows." The matrix shows that a 20-foot wide buffer area, but not screening, is required between commercial uses and heavy industrial uses. Neither buffering nor screening is required between commercial uses and light industrial uses. This implies that commercial uses are generally compatible with light industrial uses, but commercial uses are not generally compatible with heavy industrial uses.
- 3.8 A closer look at what uses are allowed in HI (Heavy Industrial) zones and LI (Light Industrial) zones shows that: Wholesale sales are allowed in LI zones but not in HI zones. Adult entertainment may be allowed as a conditional use in LI zones, but is not allowed in HI zones. Offices are allowed in LI zones, but not in HI zones. Vehicle repair is allowed in LI zones, but not in HI zones. A variety of community services and institutions, such as hospitals, parks, and churches may be allowed LI zones, but they are not allowed in HI zones. "Live work" units are allowed in LI zones, but not in HI zones. Residential units above a business are allowed in LI zones, but not in HI zones. Passenger terminals may be allowed in LI zones, but not in HI zones.
- 3.9 The proposed map amendment would create a commercial parcel of land adjacent to heavy industrial land along the east boundary and part of the north boundary of the commercial property. The property to the north is developed with an industrial use (Smokecraft). The property to the east is developed with an industrial use (National Frozen Foods).

## CONCLUSIONS

- 3.1 The Comprehensive Plan map pattern places land designated for commercial use along Pacific Boulevard and Santiam Highway, both State highways with heavy traffic volumes.

3.2 The designation of the YMCA property for commercial use is consistent with the Comprehensive Plan map pattern which places land designated for commercial use along Pacific Boulevard or Santiam Highway.

3.3 The Comprehensive Plan map pattern intentionally separates all of the Heavy Industrial land in Albany from other types of uses by placing Light Industrial land around the Heavy Industrial land as a buffer.

There are three separate places where this pattern does not hold, but in each of those cases, the Heavy Industrial land is separated from the other type of land by the Albany-Santiam canal. The canal has a right-of-way width of 50 feet. The right-of-way for the canal separates the Heavy Industrial land from the other types of land by 50 feet.

3.4 Albany Development Code 9.240 requires a 20-foot wide buffer area, but not screening between commercial development and heavy industrial use. The buffer area must include at least the following:

1) At least one row of trees. These trees will be not less than 10 feet high at time of planting for deciduous trees and spaced not more than 30 feet apart and 5 feet high at time of planting for evergreen trees and spaced not more than 15 feet apart. This requirement may be waived by the Director where it can be demonstrated that such trees would conflict with other purposes of this Code (e.g., solar access).

(2) At least five 5-gallon shrubs or ten 1-gallon shrubs for each 1,000 square feet of required buffer area.

(3) The remaining area treated with attractive ground cover (e.g., lawn, bark, rock, ivy, evergreen shrubs).

3.5 The question is whether the required 20-foot wide buffer will adequately mitigate the impact of commercial development adjacent to heavy industrial development, or vice versa, if the land use designation of the YMCA property is changed to allow commercial development.

3.6 The Development Code recognizes that commercial land may sometimes be located adjacent to heavy industrial land. The Code requires a 20-foot wide buffer area between commercial and heavy industrial uses.

3.7 Given that there are exceptions to the map pattern of placing commercial land adjacent to heavy industrial land where there is a buffer area, and given that the Code requires a buffer area between commercial uses and heavy industrial uses, the proposed designation of the YMCA property for commercial use is consistent with the Comprehensive Plan Map pattern.

3.8 This review criterion is met.

(4) *The requested designation is consistent with the Statewide Planning Goals.*

#### FINDINGS OF FACT

4.1 The following Statewide Planning Goals are relevant to consideration of this application. Goals and policies are listed below in ***bold italic*** print followed by findings of fact, then conclusions.

4.2 ***Goal 1: Citizen Involvement is "To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.***

The City of Albany has a citizen involvement program. The program is described under Findings of Fact 1.6 above. The program has been followed in reviewing this application for a Comprehensive Plan Map amendment.

- 4.3 ***Goal 2: Land Use Planning is “To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.”***

The City of Albany has land use planning processes and a policy framework that is used as a basis for making decisions on Comprehensive Plan Map amendments. The processes are described in the Albany Development Code. As described under Findings of Fact 1.6 above, Comprehensive Plan Map Amendments are processed as Type IV land use decisions with notice to affected parties, including surrounding property owners and affected government agencies. Public hearings before the Planning Commission and City Council are held. Notice of the public hearings is posted on the subject property, and at other public locations in Albany.

- 4.4 ***Goal 9: Economic Development is “To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.”***

As discussed under Review (1) above, providing another large parcel of land for commercial development at the location of the YMCA property will meet the need for more commercial land in this area of Albany.

- 4.5 ***Goal 11: Public Facilities and Services is “To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.”***

As discussed under Review Criterion (1) above, the YMCA property has public services available to serve development on the property.

- 4.6 ***Goal 12: Transportation is “To provide and encourage a safe, convenient and economic transportation system.”***

As discussed under Review Criterion (2) of the Zoning Map amendment review that follows, the transportation system in the vicinity of the YMCA property can be made adequate to accommodate commercial development on the property.

- 4.7 ***Goal 14: Urbanization is “To provide for an orderly and efficient transition from rural to urban land use.”***

No transition from rural to urban land uses is proposed in this application.

## CONCLUSIONS

- 4.1 The requested General Commercial designation of the YMCA property is consistent with the Statewide Planning Goals.

## STAFF ANALYSIS

### Zoning Map Amendment File ZC-01-05

The Albany Development Code contains the following review criteria which must be met for this application to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

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

### FINDINGS OF FACT

- 1.1 The applicants propose to change the Zoning Map designation of 11 acres from LI (Light Industrial) and HI (Heavy Industrial) to CC (Community Commercial).
- 1.2 The current Comprehensive Plan designations of the property where the Comprehensive Plan map amendment is proposed are Light Industrial and Heavy Industrial.
- 1.3 The Plan Designation Zoning Matrix in the Comprehensive Plan (page 9-15) shows that the proposed CC zoning is not consistent with the Light Industrial and Heavy Industrial Comprehensive Plan Map designations of the property.
- 1.4 The applicants have applied to change the Comprehensive Plan Map designations from Light Industrial and Heavy Industrial to General Commercial.
- 1.5 The proposed CC zoning is consistent with the proposed General Commercial designation of the property.

### CONCLUSIONS

- 1.1 This criterion is met because the applicants have applied for a Comprehensive Plan Map amendment to General Commercial. The proposed RC zoning is consistent with the General Commercial designation.
- (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

### FINDINGS OF FACT

- 2.1 The property where the map amendments are proposed is located at the northeast corner of the intersection of Pacific Boulevard and 34th Avenue. Pacific Boulevard is State Highway 99E at this location.
- 2.2 The property is currently zoned LI (Light Industrial) and HI (Heavy Industrial). The proposed zoning designation is CC (Community Commercial). The applicants have not submitted a concurrent land use application to develop the property with any of the uses allowed under the CC zoning designation. Impacts to the transportation system will not occur immediately with the zone change, but in the future when the property is redeveloped with the proposed CC zoning designation. Future redevelopment will require submittal of a land use application.
- 2.3 Highway 99E is classified as a principal arterial street and is under the jurisdiction of ODOT. The street is improved to City standards across the frontage of the property. Improvements include curb, gutter, and sidewalk; two travel lanes in each direction; a two-way center left turn lane; and on-street bike lanes. The Highway 99E/34th Avenue intersection is controlled by a traffic signal. The speed limit on the highway adjacent to the property is 45 miles per hour.



- 2.4 Thirty-fourth Avenue is classified as a minor arterial street. The street is improved to City standards. The street is under City jurisdiction. Improvements include curb, gutter, and sidewalk; two travel lanes in each direction; a center turn lane; and on-street bike lanes. The speed limit is 40 miles per hour.
- 2.5 The applicants submitted a draft traffic study and a supplement with the Zoning Map amendment application. The study was done by PTV America, Inc. The study is dated December 2005. The study is intended to satisfy both the City's guidelines and standards for traffic studies, and also to address the requirements of Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule). The traffic study evaluates the operation of the Highway 99E corridor bounded by 12th Avenue to the north, Belmont Avenue to the south, and Marion Street to the east.
- 2.6 The PTV America study includes an analysis of both "no build" and "build" scenarios. The "no build" scenarios are intended to evaluate the development of the property under its current zoning designations. The "build" scenarios are intended to evaluate the development of the property under the requested zoning designation. The study assumes the following land uses for future year "no build" scenarios:
- Automobile Care Center of 23,000 square feet
  - Day Care Facility of 4,000 square feet
  - General Light Industrial use of 20,000 square feet
  - Continued use of the existing YMCA facilities

City staff have evaluated the assumed land uses, and concluded that these uses are allowed with the current zoning designations of the property.

- 2.7 The Albany City Council has adopted Traffic Impact Study Guidelines. The guidelines require that all adjacent intersections, and all major off-site intersections that will be impacted by 50 or more peak hour trips, be included in the study area. Based on those criteria, the applicant expanded the original scope of the traffic study to include two additional intersections. The boundary of the final traffic study complies with the Traffic Impact Study Guidelines.
- 2.8 Albany's Development Code does not include a performance standard for streets or intersections. Albany's TSP also does not set a performance standard, but does state under Intersection Level of Service on Page 10 that "*Level of service A through D was considered to represent acceptable operating conditions for the TSP.*" Albany's City Council has also adopted Traffic Impact Study Guidelines. Because that document has not been incorporated into the City's Development Code, the performance standards it contains function as guidelines and not as a strict standards. Section 16.1 of the Traffic Impact Study Guidelines states in full:

*All streets and intersections adjacent to the development, and streets and intersections directly utilized by the development for access, regardless of the generated volume of traffic, and streets and intersections off site from the development that will receive 50 or more additional peak-hour vehicular trips with completion of the development, must have a minimum Level of Service "D" as calculated by methods identified within the most current edition of the Transportation Research Board's Highway Capacity Manual.*

The Transportation Research Board's Highway Capacity Manual includes the following discussion in regard to LOS at two-way stop controlled (TWSC) intersections:

*"In the performance evaluation of TWSC intersections, it is important to consider other measures of effectiveness (MOE) in addition to delay, such as w/c ratios for individual movements, average queue lengths, and 95<sup>th</sup>-percentile queue lengths. By focusing on a single MOE for the worst movement only, such as a delay for the minor-street left turn, users may make inappropriate traffic control decisions. The potential for making such inappropriate decisions is likely to be particularly pronounced when the HCM level of service thresholds are adopted as legal standards, as is the case in many public agencies."*

When reviewing previous land use applications, Albany's staff, Planning Commission, and City Council have used LOS D as a minimum design standard for intersections controlled by traffic signals, and allowed use of MOE other than the LOS of the worst case movement for evaluation of TWSC intersections. That approach is consistent with the recommended review process outlined in the Highway Capacity Manual, and is also compatible with the intersection evaluation standards used by ODOT.

ODOT's performance standards for the operation of the highway system are contained in the 1999 Oregon Highway Plan (OHP). For the signalized intersections on Highway 99E along the study corridor, the performance standard is a volume to capacity (v/c) ratio of 0.75. For un-signalized intersections, the performance standard for left turn movements from the through legs of unsignalized highway intersections is a v/c ratio of 0.80. The performance standard for left turn movements from the stop controlled legs of intersections on this highway corridor is a v/c ratio of 0.85.

- 2.9 OAR 660-012-0060 (the Transportation Planning Rule) requires that an amendment to a comprehensive plan or land use regulation that would significantly affect a transportation facility include measures by the local government to assure that the resulting land uses are consistent with the identified function, capacity, and performance standards of the facility.

In cases where an amendment would cause the performance of a transportation facility to fall below minimum required performance standards, OAR 660-012-0060(2) requires the following:

- (a) *Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.*
- (b) *Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.*
- (c) *Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.*
- (d) *Amending the TSP to modify the planned function, capacity, or performance standards of the transportation facility.*
- (e) *Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.*

In cases where the transportation facility is already performing below the minimum acceptable performance standard identified in the TSP or comprehensive plan, and planned improvements are not sufficient to achieve consistency with the performance standard by the end of the planning period, OAR 660-012-0060(3)(c) allows for approval by local government when:

*"Development resulting from the amendment will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of transportation improvements or measures."*

- 2.10 The PTV study evaluated the following intersections:

Highway 99E/53rd Avenue

The intersection is controlled by an existing traffic signal. Albany's guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.75. The intersection

currently operates at LOS B with a v/c ratio of 0.39. In the year 2020 “build” scenario, the PTV study found the intersection would operate at LOS C with a v/c ratio of 0.52. The intersection will meet both City and OHP performance standards under the “build” scenario without mitigation.

#### Highway 99E/34th Avenue

The intersection is controlled by an existing traffic signal. Albany’s guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.75. The intersection currently operates at LOS C with a v/c ratio of 0.74. In the year 2020 “no build” scenario, the intersection would operate with a LOS of D and a v/c ratio of 0.92. In the year 2020 build scenario, the PTV study found the intersection would operate at LOS D with a v/c ratio of 0.92. The intersection will meet City performance standards without mitigation. While the intersection’s v/c ratio will exceed OHP performance standards, the intersection’s operation under the “build” scenario is no different than under the “no build” scenario. Because the intersection’s v/c ratio and performance will not be changed by the project, the project does not have a significant affect at this intersection and no mitigation is required.

#### Highway 99E/29th Avenue

The intersection is controlled by an existing traffic signal. Albany’s guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.75. The intersection currently operates at LOS B with a v/c ratio of 0.68. In the year 2020 “no build” scenario, the intersection would operate with a LOS of C and a v/c ratio of 0.87. In the year 2020 build scenario, the PTV study found the intersection would operate at LOS C with a v/c ratio of 0.91. In all cases, the intersection will meet City performance standards without mitigation. Under both the “no build” and “build” scenarios the intersection’s v/c ratio will exceed OHP performance standards. Mitigation is needed to reduce the “build” v/c ratio (0.91) down to the “no build” ratio of 0.87.

The PTV study recommended the following mitigation measure for this intersection:

- Restripe the east and west intersection approaches to provide for an exclusive left-turn pocket.

This change would result in intersection operation with a v/c ratio of 0.73 under the 2020 “build” scenario. The YMCA has approved a “Transportation Facilities Agreement” that obligates the YMCA and future owners of the property to restripe the east and west approaches to the intersection to provide for exclusive left turn pockets prior to any development on the YMCA property.

#### Highway 99E/28th Avenue

The 28th Avenue leg of the intersection is stop controlled. Twenty-eighth Avenue is a short dead-end low volume street and is classified as a local street in Albany’s TSP. Albany’s guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.80 for left turn movements from Highway 99E, and a v/c ratio of 0.85 for left turn movements from 28th Avenue. The LOS for unsignalized intersections is typically reported as being the LOS for the worst case movement (generally a permissive left turn) at the intersection. In the case of this intersection, the worst case movement is for westbound left turns from 28th Avenue onto Highway 99E. That movement has a current LOS of F. The current v/c ratio for that movement is 0.19. In the year 2020 “build” scenario, the LOS for the worst case movement (left turns from 28th Avenue onto Highway 99E) will be F. The v/c ratio for left turns from 28th Avenue onto Highway 20 will be 2.15. Under the 2020 “build” scenario, the intersection will not meet ODOT nor Albany’s performance standards.

The PTV study recommended that no mitigation measures be made at the intersection. The study said: *“No mitigation is proposed for the intersection of Pacific Boulevard at 28<sup>th</sup> Avenue since very few vehicles accessing the industrial area to the east of Pacific Boulevard are using 28<sup>th</sup> Avenue. Furthermore, any redevelopment of this currently under-utilized industrial area will result in a change of*

*local traffic circulation since a traffic signal in such close proximity to 29<sup>th</sup> Avenue does not meet ODOT standards."*

City staff concurs with the PTV analysis and recommendation that no mitigation is needed at the intersection.

#### Highway 99E/Elm Street/24th Avenue

The 24th Avenue leg of the intersection is stop controlled and operates much like the 99E/28th Avenue intersection discussed above. Albany's guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.80 for left turn movements from Highway 99E, and a v/c ratio of 0.85 for left turn movements from Elm Avenue. The LOS for unsignalized intersections is typically reported as being the LOS for the worst case movement (generally a permissive left turn) at the intersection. In the case of this intersection, the worst case movement is for eastbound left turns from 24th Avenue onto Highway 99E. That movement has a current LOS of D. The current v/c ratio for that movement is 0.05. In the year 2020 "build" scenario, the LOS for the worst case movement (left turns from 24th Avenue onto Highway 99E) will be F. The v/c ratio for year 2020 "build" scenario left turns from 24th Avenue onto Highway 99E will be 0.15. The intersection will meet OHP performance standards, but the LOS of the worst case movement at the intersection will fall below Albany guidelines.

The PTV study included the following recommendation for the intersection: *"The eastbound left turn movement at the intersection of Pacific Boulevard at Elm Street is expected to drop below the City of Albany's LOS standard by year 2020. Similar to 28th Avenue, no mitigation is proposed for this intersection. A future redevelopment of the industrial area to the east of Pacific Boulevard combined with potential access management measures are expected to provide mitigation for this intersection by the year 2020."*

The PTV study found that at year 2020 the worst case movements at the intersection will all operate within acceptable v/c ratios. Average and 95th-percentile left turn queue lengths were not projected to exceed one car length for any of the approaches. Applying MOE standards, City staff has concluded that the intersection will comply with City performance standards, and concurs with the PTV recommendation that no mitigation is needed at the intersection.

#### Highway 99E/Queen Avenue

The intersection is controlled by an existing traffic signal. Albany's guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.75. The intersection currently operates at LOS D with a v/c ratio of 0.86. In the year 2020 "no build" scenario, the intersection would operate with a LOS of F and a v/c ratio of 1.10. In the year 2020 build scenario, the PTV study found the intersection would operate at LOS F with a v/c ratio of 1.15. In all year 2020 cases, the intersection will not meet City guideline performance standards. Under both the "no build" and "build" scenarios the intersection's v/c ratio will also not meet OHP performance standards. Mitigation is needed to reduce the "build" v/c ratio (1.15) down to the "no build" ratio of 1.103.

Albany's Transportation System Plan (TSP) includes a project (#2) at the 99E/Queen intersection that would add several additional turn and through lanes to the intersection. None of the improvements are currently budgeted for in Albany's 5-year Capital Improvement Program or included in ODOT's STIP. As a result, PTV assumed that none of the improvements identified in the TSP would be in place at the horizon year of the analysis (2020). PTV analyzed the benefit of adding an eastbound right-turn lane to the intersection, and found that in the year 2020 build scenario it would result in a v/c ratio of 1.110. If no other improvements were assumed to occur at the intersection by year 2020, the right turn lane would need to be about 350 feet in length. The needed length of the turn pocket might be reduced should some of the improvements identified in the TSP be constructed.

The YMCA has approved a “Transportation Facilities Agreement” that obligates the YMCA and future owners of the property to construct the eastbound right turn lane prior to any development on the YMCA property. The agreement allows for the possibility of reducing the length of the turn pocket or constructing an alternate mitigation in the event that some of the TSP identified improvements are in place or budgeted for at the time of a future development application on the YMCA property. The agreement is attached as Exhibit D to the ordinance that approved the map amendments.

#### Highway 99E/12th Avenue

The intersection is controlled by an existing traffic signal. Albany’s guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.75. The intersection currently operates at LOS B with a v/c ratio of 0.47. In the year 2020 “no build” scenario, the intersection would operate with a LOS of C and a v/c ratio of 0.64. In the year 2020 build scenario, the PTV study found the intersection would operate at LOS C with a v/c ratio of 0.66. The intersection will meet City and ODOT performance standards without mitigation.

#### Highway 99E/Belmont Avenue

The Belmont Avenue leg of the intersection is stop controlled and operates much like the 99E/28th Avenue intersection discussed above. Albany’s guideline performance standard for the intersection is LOS D. The OHP standard for the intersection is a v/c ratio of 0.80 for left turn movements from Highway 99E, and a v/c ratio of 0.85 for left turn movements from Belmont Avenue. The LOS for unsignalized intersections is typically reported as being the LOS for the worst case movement (generally a permissive left turn) at the intersection. In the case of this intersection, the worst case movement is for eastbound left turns from Belmont Avenue onto Highway 99E. That movement has a current LOS of D. The current v/c ratio for that movement is 0.37. In the year 2020 “build” scenario, the LOS for the worst case movement (left turns from Belmont Avenue onto Highway 99E) will be F. The v/c ratio for year 2020 “build” scenario left turns from Belmont Avenue onto Highway 99E will be 0.94.

The PTV study included the following recommendation for the intersection: *“The intersection of Pacific Boulevard at Belmont Avenue is expected to drop below ODOT’s mobility standard for stop controlled intersections of 0.85 v/c ratio by the year 2020. A maximum build-out as permitted under the proposed zone change will increase the v/c ratio from 0.79 to 0.94. However, no mitigation is proposed for several reasons:*

- *Installing a signal at Belmont would not satisfy ODOT’s standards for signal spacing given the current signal at Ellingson Road.*
- *Motorists accessing Pacific Boulevard in northbound direction from the residential development to the west are provided with a convenient alternate route via the signalized intersection of Pacific Boulevard at Ellingson Road.”*

City staff concurs with the PTV analysis and recommendation that no mitigation is needed at the intersection.

#### 34th Avenue/Marion Street

The intersection is controlled by stop signs on the Marion Street legs of the intersection. Albany’s guideline performance standard for the intersection is LOS D. The worst-case movement at the intersection (northbound left turn onto 34th Avenue) currently operates at LOS D with a v/c ratio of 0.15. In the year 2020 “no build” scenario, the worst-case movement at the intersection would operate at LOS of F with a v/c ratio of 0.33. In the year 2005 “build” scenario, the PTV study found the worst-case movement would operate at LOS D with a v/c ratio of 0.21, and would operate at LOS F in year 2020 with a v/c ratio of 0.47. The PTV study concluded *“The intersection of 34th Avenue at Marion Street is expected to drop below the City of Albany’s LOS standard by the year 2010. The northbound movement*

*will operate at an unacceptable LOS 'E.' By 2020, the intersection will meet signal warrants under the build and no build scenario."*

The PTV study included the following recommendation for the intersection: *"For the intersection of 34th Avenue at Marion Street, it is recommended to restripe the northbound approach to provide an exclusive left-turn lane in addition to a straight/right-turn lane."*

City staff concurs with the PTV analysis and recommendation. Warrants will be met for installation of a traffic signal at the intersection both with and without the project. Restriping the northbound approach to add an exclusive left turn lane will mitigate the impact of this development and serve as an interim improvement until such time as signal installation warrants are met. Albany is in the process of designing a street rehabilitation project for Marion Street. The project will be constructed in the summer of 2006 and will include installation of a northbound left turn lane at the intersection of 34th Avenue and Marion Street.

## CONCLUSIONS

- 2.1 The Zoning Map amendment application proposes to rezone about 11 acres of land at the northeast corner of Highway 99E and 34th Avenue from LI (Light Industrial) and HI (Heavy Industrial) to CC (Community Commercial). The applicants did not submit a concurrent application to develop the property with any of the uses allowed under the CC zoning designation.
- 2.2 The applicants provided a traffic study with the application to evaluate the impact that development of the property under the CC zoning designation would have on the transportation system. The study was done by PTV America, Inc. The study looked at the operation of intersections along the Highway 99E corridor between 12th Avenue to the north, and 53rd Avenue to the south. The study evaluated the existing operation of the intersections, and also their future operation under both "build" and "no build" scenarios. The evaluation of intersection operations was based on both City guidelines and Oregon Highway Plan performance standards, and was designed to address requirements contained in OAR 660-012-0060. The intersections analyzed by the study include:
  - Highway 99E/53rd Avenue
  - Highway 99E/34th Avenue
  - Highway 99E/29th Avenue
  - Highway 99E/28th Avenue
  - Highway 99E/Elm Street/24th Avenue
  - Highway 99E/Queen Avenue
  - Highway 99E/12th Avenue
  - Highway 99E/Belmont Avenue
  - 34th Avenue/Marion Street
- 2.3 The operation of the Highway 99E/53rd Avenue intersection was found to meet both City guidelines and OHP performance standards without mitigation. The analysis found no "significant affect" as defined by OAR 660-012-0060.
- 2.4 The operation of the Highway 99E/34th Avenue intersection was found to meet City guidelines for performance standards, but will exceed OHP performance standards in the year 2020 "build" scenario. While the intersection's v/c ratio will exceed OHP performance standards, the intersection's v/c ratio and performance under the "build" scenario (v/c = 0.92) is the same as under the "no build" scenario (v/c = 0.92). As a result, the project does not cause a "significant affect" at this location and no mitigation is required.
- 2.5 The operation of the Highway 99E/29th Avenue intersection was found to meet City guidelines for performance standards, but will exceed OHP performance standards in the year 2020 "build" scenario. The PTV study recommended the following improvement at the intersection:

- Restripe the east and west intersection approaches to provide for an exclusive left-turn pocket.

The YMCA has approved a “Transportation Facilities Agreement” that obligates the YMCA and future owners of the property to restripe the east and west approaches to the intersection to provide for exclusive left turn pockets prior to any development on the YMCA property. An agreement of that type is one of the options provided for in OAR 660-012-0060(2)(e) for addressing an identified significant affect.

- 2.6 The operation of the Highway 99E/28th Avenue intersection will not meet OHP or Albany performance standards for the year 2020 “build” scenario. Twenty-eighth Avenue is a minor low-volume, dead end street. The PTV study recommended against mitigation at this intersection for those reasons, and noted that over time redevelopment in the area will result changes in local traffic circulation that resolve the issue. City staff concurs with that analysis.
- 2.7 The operation of the Highway 99E/Elm Street/24th Avenue intersection will meet OHP performance standards for the year 2020 “build” scenario. The intersection will also meet City guidelines when measures of effectiveness (MOE) in addition to delay (LOS) are considered as is recommended by the Highway Capacity Manual. The Highway Capacity Manual strongly cautions against using LOS performance standards for minor movements at two way stop controlled intersections (like Highway 99E/Elm Street) as a basis for closure of intersections or restriction of turn movements. The worst case movement at the intersection in the 2020 “build” scenario (permissive westbound left turns from 24th Avenue onto Highway 99E) will operate at LOS F. While the movement will have a poor level of service, it will operate with an acceptable v/c ratio ( $v/c = 0.15$ ) and queue lengths will be short. For those reasons and others cited, the PTV study recommends against mitigation at this intersection. City staff concurs with that analysis.
- 2.8 The operation of the Highway 99E/Queen Avenue intersection was found to exceed both City guidelines and OHP performance standards for the year 2020 “build” scenario. Albany’s Transportation System Plan (TSP) includes a project (#2) at the 99E/Queen intersection that would add several additional turn and through lanes to the intersection. None of the improvements are currently budgeted for in Albany’s 5-year Capital Improvement Program or included in ODOT’s STIP. As a result, PTV assumed that none of the improvements identified in the TSP would be in place at the horizon year of the analysis (2020). PTV analyzed the benefit of adding an eastbound right-turn lane to the intersection, and found that in the year 2020 build scenario it would result in a v/c ratio of 1.110. If no other improvements were assumed to occur at the intersection by year 2020, the right turn lane would need to be about 350 feet in length. The needed length of the turn pocket might be reduced should some of the improvements identified in the TSP be constructed.

The YMCA has approved a “Transportation Facilities Agreement” that obligates the YMCA and future owners of the property to install of an eastbound right turn lane at the intersection prior to any development on the YMCA property. An agreement of this type is one of the options provided for in OAR 660-012-0060(3)(c) for addressing an identified significant affect.

- 2.9 The operation of the 99E/12th Avenue intersection was found to meet both City guidelines and OHP performance standards without mitigation. The analysis found no “significant affect” as defined by OAR 660-012-0060.
- 2.10 The PTV study concluded the worst-case movement at the Highway 99E/Belmont Avenue intersection - eastbound left turns onto the highway - would fall below both City guidelines and OHP performance standards under the 2020 build scenario. Eastbound drivers on Belmont can, however, choose to divert to Ellingson with very little out of direction travel in order to take advantage of the traffic signal and protected eastbound left turn movements onto the highway. As traffic volumes increase over time, more and more eastbound drivers on Belmont will choose to divert to the signal at 99E/Ellingson to avoid the

delay and safety issues inherent in the permissive left turn movement. The PTV study therefore recommended that no mitigation measures are needed. City staff concurs with that analysis and recommendation.

- 2.11 The PTV study concluded that the intersection of 34th Avenue/Marion Street intersection would meet City performance guidelines under the build scenario from year 2005 up to year 2010. The study also found the intersection would fall below City performance guidelines by year 2020 with or without development. The study recommended striping of an exclusive left turn lane for the northbound approach. The City will re-construct the northbound approach to the intersection in the Summer of 2006 and will install the left turn lane at that time.
- 2.12 Development of the property under the proposed CC zoning designation would impact the operation of five intersections: Highway 99E/29th Avenue, Highway 99E/28th Avenue, Highway 99E/Queen Avenue, Highway 99E/Belmont Avenue, and 34th Avenue/Marion Street. The applicant's traffic study recommends that no mitigation measures be taken at two of the intersections, and identified mitigation measures for the other three intersections that would either allow the intersections to meet OHP and City performance standards, or to operate at a level at least as good as would be the case under a "no build" scenario. The City will construct one of the identified mitigation measures (at 34th Avenue/Marion Street) in the Summer of 2006 with a street reconstruction project. The YMCA has approved a "Transportation Facilities Agreement" that requires owner of the property to construct the remaining two mitigation measures (at 99E/Queen and 99E/29th) prior to any commercial development occurring on the YMCA property. An agreement of that type is one of the options provided for in both OAR 660-012-0060(2)(e) and 660-012-0060(3)(c) for addressing an identified significant affect.
- 2.13 This review criterion will be met when the following conditions are met.

#### CONDITIONS

- 2.1 The YMCA must execute the Transportation Facilities Agreement attached as Exhibit D to the ordinance which approved the Comprehensive Plan Map and Zoning Map amendments. The agreement must be executed prior to the time the City makes amends the Comprehensive Plan Map and Zoning Map. The agreement must be executed within 60 days after the effective date of the ordinance that approved the map amendments.
  - 2.2 The YMCA, and its successors and assigns shall not apply for, or be entitled to, approval for any development of the YMCA site without the precondition that the YMCA or its successors, demonstrate that the proposed development will be in compliance with the Oregon Administrative Rules 660-012-0060 and will contain the necessary mitigation measures and funding required by that administrative rule.
  - 2.3 The YMCA must provide the City with a copy of a resolution by the Mid Willamette Family YMCA Board of Directors authorizing the Executive Director to sign the Transportation Facilities Agreement.
- (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.*

#### Sanitary Sewer

- 3.1 The City's utility maps show that there is an 8-inch public sanitary sewer main in 34th Avenue and a 12-inch main in Pacific Boulevard, south of 32nd Avenue.

The City's Wastewater Facility Plan (June 1998) indicates that there are no collection system deficiencies within the sewer basin where the YMCA property is located.



The City's wastewater collection system computer model uses the following base flow rates for design calculations: commercial uses – 1,500 gallon per acre per day; light industrial uses – 1,300 gallons per acre per day (gpad); and, heavy industrial uses – 6,000 gallons per acre per day. Using these flow values, the acreage of the properties, and the relative areas of the current and proposed zones, we conclude that the existing mixture of industrial zoning is likely to result in development with higher sewer flows than the same property with a commercial zoning designation.

*Anticipated Wastewater Flows from Existing Industrial Zoning: 42,030 gallons per day.*

*Anticipated Wastewater Flows from Proposed Commercial Zoning: 16,500 gallons per day.*

- *5.1 acres of Light Industrial @ 1,300 gallons per average day = 6,630 gallons per day, and 5.9 acres of Heavy Industrial @ 6,000 gallons per average day = 35,400 gallons per day for a total anticipated flow of 42,030 gallons per day.*
- *11 acres of Community Commercial @ 1,500 gallons per average day = 16,500 gallons per day.*

### Water

- 3.2 The City's utility maps show that the primary water lines in this area are a 16-inch public water main in 34th Avenue and a 24-inch main running from the intersection of 34th Avenue and Pacific Boulevard to the water treatment plant.

Water system modeling software that is used by the City's Engineering Division indicates that flows available at this location exceed 10,000 gallons per minute (gpm). The City's Water Facility Plan (August 2004) does not show any needed water distribution system improvements between this site and the Vine Street water treatment plant.

In general, the determining factor in sizing water mains is the flow needed to adequately fight fires. The Facility Plan further shows that, for purposes of water system planning, the fire flow required for commercial development is 3,500 gpm, and for industrial uses the needed flow is 5,000 gpm (City of Albany Water Facility Plan, August 2004; Page 31, Table 3-1).

### Storm Drainage

- 3.3 The City's utility maps show that there is a 30-inch public storm drain line in 34th Avenue and a 24-inch line in Pacific Boulevard. The storm water runoff from this drainage sub-basin is collected by public storm drainage lines where it ultimately flows to the south and into Oak Creek.

Maximum storm water runoff is produced by impervious surfaces created on a property, such as rooftops, paved parking areas, sidewalks, etc. The Albany Development Code sets the standard for the percentage of a property that can be covered by impervious surfaces. For development in Light Industrial and Heavy Industrial zones the Development Code allows 100% lot coverage. Developments in Community Commercial zones are allowed 90% lot coverage.

### Schools

- 3.4 In general, neither industrial development nor commercial development provides housing for children that will go to school.

### Police and Fire Protection

- 3.5 The Albany Police Department and Fire Department provide services to development in Albany. These departments provide the services needed by both industrial and commercial development.

### CONCLUSIONS •

- 3.1 The City's sanitary sewer and storm drainage master plans assume that the YMCA property will be developed with industrial uses. Based on this assumption, the plans conclude that the capacity of these systems are adequate to accommodate industrial development on the property. Commercial uses generally demand less sewer and storm drainage capacity. The existing downstream sewer and storm drainage systems can accommodate commercial development on the YMCA property.
  - 3.2 Water flows available to serve the YMCA property are more than adequate to provide fire protection (and domestic water service) to the property.
  - 3.3 The proposed zone change from industrial use to commercial use will not affect schools.
  - 3.4 The Albany Police Department and Fire Department will provide services to development on the YMCA property regardless of whether it is industrial development or commercial development.
  - 3.5 Existing services can accommodate potential commercial development on the YMCA property without adverse impact on existing systems.
- (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.*
- 4.1 Floodplains: *Comprehensive Plan Plate 5: Floodplains* does not show a floodplain on the YMCA property. FEMA/FIRM Community Panel No. 410137 0005F, dated July 7, 1999, shows the property is in Zone X, an area determined to be outside any 500-year floodplain.
  - 4.2 Slopes: *Comprehensive Plan Plate 7: Slopes* does not show steep slopes on the property. The City's topographic data shows that elevations on the property vary from about 220 feet to about 222 feet.
  - 4.3 Significant natural vegetation: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* does not show any areas of vegetation or wildlife habitat on the property. The property has existing buildings and graveled areas on it now. The YMCA has front yard landscaping. There are trees in front of the YMCA.
  - 4.4 Historic District: *Comprehensive Plan Plate 9: Historic Districts* shows the Property is not in a historic district.

## CONCLUSIONS

- 4.1 There are no unique natural features or special areas on the property where the map changes are proposed, so there are none to be jeopardized by the proposed map changes.
  - 4.2 This review criterion is met.
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*
- 5.1 The current zoning designations of the property where the Zoning Map amendment is proposed are LI (Light Industrial) and HI (Heavy Industrial). The proposed designation is CC (Community Commercial).
  - 5.2 This review criterion requires that the intent and purpose of the proposed RC zoning district "best satisfies" the goals and policies of the Comprehensive Plan.

## INTENT AND PURPOSE OF LI, HI, and CC ZONING DISTRICTS

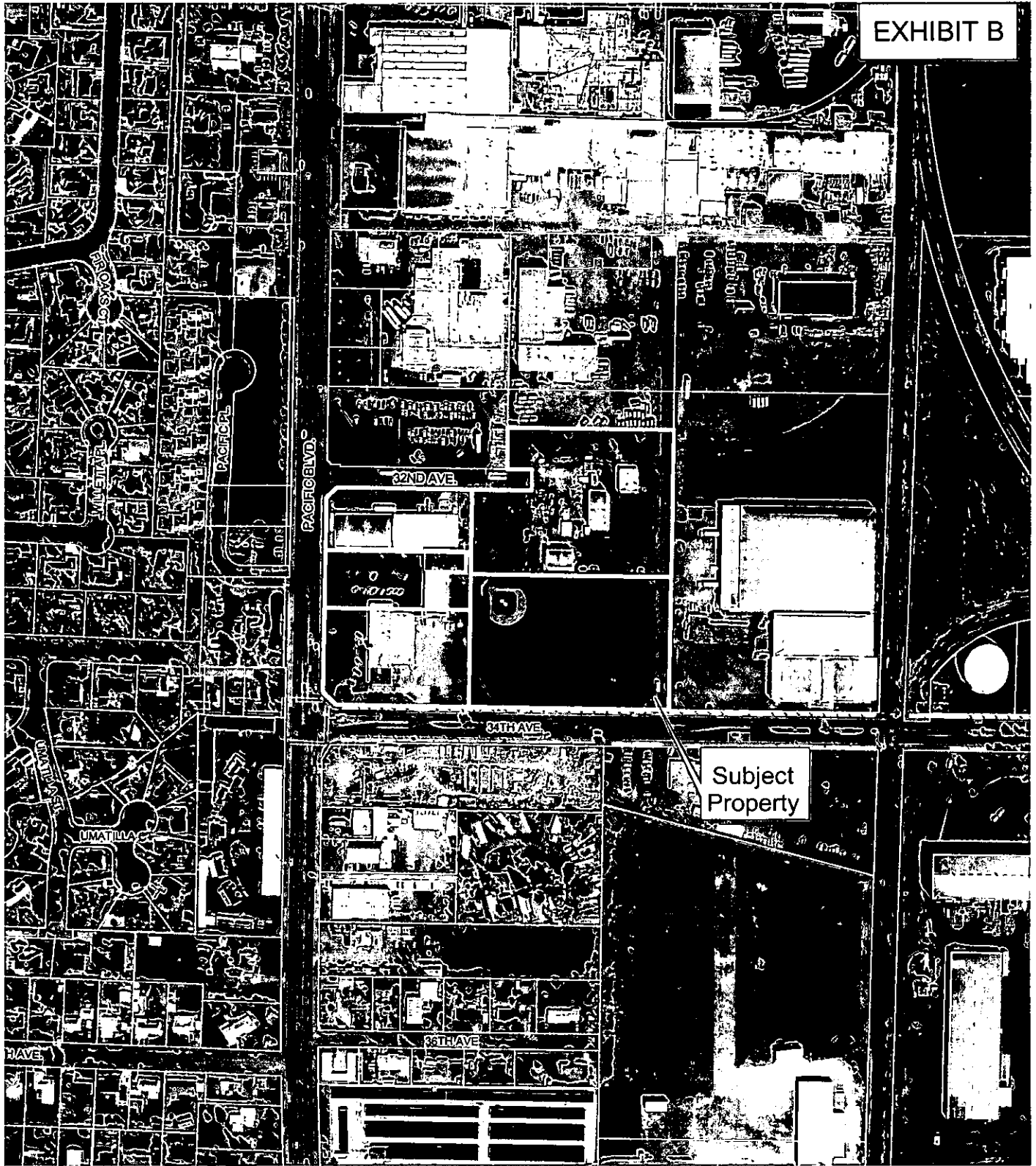
- 5.3 ADC 4.020 says the purpose of commercial and industrial zoning districts is, "...to regulate and segregate the uses of lands and buildings and to regulate the density of development."
- 5.4 ADC 4.020(7) says, "The LI district is intended primarily for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contractors and related establishments. Uses will have limited impacts on surrounding properties. This district is particularly suited to areas having good access to highways and perhaps to rail. LI may serve as a buffer around the HI district and may be compatible with nearby residential zones or uses."
- 5.5 ADC 4.020(8) says, "The HI district is intended primarily for industrial uses and support activities that are potentially incompatible with most other uses and which are characterized by large amounts of traffic, extensive shipping of goods, outside storage or stockpiling of raw materials, by-products, or finished goods, and a controlled but higher level of noise and/or pollution. This district is located away from residential areas and has easy access to highways and perhaps to rail."
- 5.6 ADC 4.020(3) says, "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."

#### RELEVANT GOALS AND POLICIES

- 5.7 The findings and conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map amendment Staff Report are applicable to the Zoning Map amendment as well. To avoid repeating the same information here, those findings and conclusions are included here by reference.

#### CONCLUSIONS

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



# YMCA Comp. Plan and Zone Change



CP-01-05 / ZC-01-05

Planning

mikel.g:\current\2005\05zc01maps.apr

Mar. 1, 2006

100 0 100 200 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using different standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.

## Legal Descriptions for YMCA Comprehensive Plan/Zone change Applications

**LOT 501& 502**

Beginning at a 3/8" iron rod on the North line of and North 89° 06' East 40.3 feet from the Northwest corner of the Truett Davis Donation Land Claim NO. 38, in Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said beginning point beint on the East right of way line of the Pacific Highway; and running thence North 89° 06' East along the North line of said Donation Land Claim 38, a distance of 348.67 feet; thence North 0° 54' West 408.5 feet to a 1/2" iron rod; thence South 89° 06' West parallel to the North line of said Donation Land Claim No. 38, a distance of 347.72 feet to a 1/2" iron rod on the East right of way line of said Highway; thence South 0° 46' East along said right of way 408.5 feet to the place of beginning; EXCEPTING THEREFROM 0.200 acres lying within the county road.

**TAX LOT 505**

Beginning at a 1/2" iron rod on the East right of way line of the Pacific Highway that is 40.3 feet North 89° 06' East and 408.5 feet North 0° 46' West from that Northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, Range 4 West of the Willamette Meridian, Linn County, Oregon (said point also being the Northwest corner of that certain tract conveyed to the Mid-Willamette Family Young Men's Christian Association by deed recorded in Volume 278, Page 26, Deed Records, Linn County, Oregon; thence running North 89° 06' East along the North line of said tract 347.72 feet; thence North 0° 46' West parallel to the East line of said Pacific Highway 150.0 feet; thence South 89° 06' West 347.72 feet to a point on the East line of said Highway; thence South 0° 46' East 150.0 feet to the point of beginning;

EXCEPT THEREFROM that portion described in instrument (to the State of Oregon, by and through it's Department of Transportation, Highway Division) recorded August 5, 1986 in Volume 418, Page 461, Microfilm Records, Linn County, Oregon.

**TAX LOT 506**

Beginning at a point 44.00 feet North 00° 54' West of the North line of and 388.97 feet North 89° 06' East along the North line from the Northwest corner of the Truett Davis, Donation Land Claim No. 38, in Township 11 South, Range 4 West and Donation Land Claim No. 54, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, running thence North 00° 59' 21" West, 313.06 feet to a 5/8 inch iron rod; thence North 89° 06' East, 474.71 feet to a 5/8 inch iron rod; thence South 00° 49' East, 313.06 feet to a 5/8 inch iron rod, being 44.00 feet North 00° 54' East of a point on the North line of the Truett Davis Donation Land Claim No. 38; thence parallel with the North line of said Donation Land Claim No. 38, South 89° 05' West, 473.77 feet to the place of beginning.

RESERVING unto NATIONAL a roadway easement along the east 40 feet of the above parcel.

**TAX LOT 507**

Real property in the County of Linn, State of Oregon, described as follows:

Beginning at a point that is 44.00 feet North 00° 54' West and 388.97 feet North 89° 06' East and North 00° 59' 21" West, 313.06 feet from the Northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, Range 4 West and Donation Land Claim No. 54 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; and running thence North 00° 59' 21" West 51.48 feet to a ½ inch iron rod; thence North 00° 49' West 150.10 feet to a point; thence North 89° 05' 14" East 141.09 feet to a 5/8 inch iron rod; thence North 00° 59' West 50.00 feet to a 5/8 inch iron rod; thence South 89° 05' 14" West 59.16 feet to a 5/8 inch iron rod; thence North 00° 54' 23" West 98.40 feet to a 5/8 inch iron rod; thence North 89° 05' 37" East 393.09 feet to a 5/8 inch iron rod; thence South 00° 49' East 350.00 feet to a 5/8 inch iron rod; thence South 89° 06' West 474.71 feet to the point of beginning.

## Transportation Facilities Agreement

### Recitals

1. The Mid Willamette Family YMCA Inc. ("YMCA") has submitted an application before the City of Albany ("City") for a comprehensive map amendment and zone change ("Application") concerning property 11S 04 W 13DA lots 501, 502, 505, 506, 507. The total acreage of all lots is approximately 11 acres ("Property"). The Application, if approved, would allow the Property to be rezoned from heavy industrial and light industrial use to community commercial use.
2. The application criteria for the comprehensive map amendment and zone change require compliance with the Oregon Transportation Planning Rule ("TPR") (OAR 660-012-0060).
3. The TPR, OAR 660-012-0060(2)(e), allows a local government to approve an amendment that would significantly affect an existing transportation facility if a development agreement is provided that includes a funding plan and mechanism that would bring the facility back into compliance with the TSP by the end of the planning period.
4. OAR 660-012-0060(3)(a) allows a local government to approve an amendment that would significantly affect an existing transportation facility without assuring that the allowed land uses are consistent with the function, capacity and performance standards of the facility where the facility is already performing below the minimum acceptable performance standards identified in the TSP or comprehensive plan on the date the amendment application is submitted.
5. OAR 660012-0060(3)(c) provides for approval of amendments that would significantly affect an existing transportation facility when the development will, at a minimum, mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development through one or a combination of mitigation measures.
6. Under the traffic analysis provided by the YMCA and reviewed by the City, the intersection of 29<sup>th</sup> Avenue and Pacific Highway is expected to fall below an acceptable performance level in the Oregon Highway Plan by the end of the planning period, and the intersection of Queen Avenue and Pacific Highway is currently performing below the minimum acceptable performance standard.
7. No development, as that term is defined in Albany Development Code, is currently proposed for the YMCA site. When a development will actually occur is presently unknown. The City also anticipates that other developments in the area may

precede actual development of the YMCA property which is the subject of this agreement. These preceding developments will likely require improvements to the transportation facilities which may impact the extent to which subsequent development of the YMCA property may, or may not, require additional mitigation efforts.

8. The traffic analysis provided by the YMCA concluded that the addition of striping for separate east and westbound left turn pockets at the intersection of 29<sup>th</sup> Avenue and Pacific Highway would allow the intersection to perform at an acceptable level at the end of the planning period.

9. The traffic analysis provided by the YMCA included future build-out trip generation projections and trip distribution both with and without the requested amendment. The traffic analysis concluded that in a “worst case” development scenario, and in the absence of any other improvements by year 2020 to the intersection of Queen Avenue and Pacific Boulevard, construction of an eastbound right turn pocket with a length of 350-feet would be sufficient to mitigate the impact of the amendment.

### Agreement

For consideration of the mutual promises hereinafter set forth, the parties mutually agree as follows:

1. The above recitals are true and incorporated herein, as if fully set forth.
2. Except as provided below in paragraph 4, at the time of any development on the property for uses allowed under the Community Commercial zone, the property owner agrees to build, and financially guarantee, the striping of separate east and west bound left turn lanes at the intersection of 29<sup>th</sup> Avenue and Pacific Highway as necessary to mitigate the impacts of such development to the standards set by the City and the Oregon Department of Transportation.
3. Except as provided below in paragraph 4, at the time of any commercial development on the property for uses only allowed under the Community Commercial zone, the property owner agrees to dedicate and build, and financially guarantee, the construction of such improvements to the intersection of Queen Avenue and Pacific Highway as necessary to mitigate the impacts of such development to the standards set by the City and the Oregon Department of Transportation. Said improvements may, but are not necessarily limited to, the construction of an eastbound right turn lane with a length of up to 350-feet.
4. The YMCA and the City recognize that the need for the east bound right turn pocket is one currently identified in the transportation impact analysis, hereinafter referred to as (“TIA”), submitted by the YMCA in its Application to the City. The parties recognize the possibility that a future TIA may reveal otherwise. Further:

### **2 - Transportation Facilities Agreement**



- (a) The YMCA and the City recognize that future changes in the transportation facilities and identified planned facilities prior to development on the Property may result in changes regarding the need to add the right turn pocket.
- (b) The YMCA and the City recognize that the actual development on the Property may result in significantly less traffic impacts than those identified in the TIA and Application.

With these considerations in mind, a site plan for future development on the Property that includes a TIA may identify that the right turn pocket or the striping on 29<sup>th</sup> Avenue is unnecessary as provided under then existing TPR or other applicable law. If the City and ODOT agree with this TIA determination, then the YMCA or its successors will not be required to build the right turn pocket and/or striping as a condition of development. The YMCA and its successors recognize that the TIA may reveal that the City or ODOT, as a condition of development, may require other forms of transportation improvements.

5. If the City determines, in the exercise of reasonable discretion, that condemnation of private property is necessary to mitigate the impacts of the YMCA development, in compliance with the TPR, the YMCA and its successors and assigns agree to pay all costs and expenses incurred by the City associated with any condemnation action including, but not limited to, attorneys fees, costs, court fees, appraisals, expert witness fees, and any and all other reasonable and necessary costs involved in the condemnation or the negotiations preceding condemnation.

6. Notwithstanding any provision of the Albany Development Code to the contrary, the YMCA, and its successors and assigns, covenant and agree that the City shall not be required to grant approval for any development of the YMCA site without the precondition that the YMCA or its successors, demonstrate that the proposed development will be in compliance with the TPR and will contain the necessary mitigation measures and funding required by that administrative rule.

7. The YMCA and its successors and assigns agree to defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim challenging the enforceability or binding nature of this Agreement and any judicial or administrative proceeding challenging the correctness of any action taken by the City which is authorized under the terms of this Agreement.

8. The YMCA agrees that the terms, promises, and conditions of this Agreement shall be binding upon its successors, assigns and transferee, and that upon approval of the Application by the City, the terms of this Agreement shall be recorded in a form

### **3 - Transportation Facilities Agreement**

approved by the City as to provide a record of this Agreement to run with the land described in the attached Exhibit.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2006

**Parties:**

City of Albany, a municipal corporation,  
Inc.

The Mid-Willamette YMCA,

By: \_\_\_\_\_  
Wes Hare, City Manager

By: \_\_\_\_\_  
Jim Asleson, President