

FINDINGS AND CONCLUSIONS

Albany Development Code and Zoning Map Amendments

The Albany Development Code contains the following review criteria that must be met for these legislative Development Code and Zoning Map amendments to be approved. Code criteria are written in *bold italics* and are followed by findings and conclusions.

Staff Comment: Due to the similarity of the following review criteria, the findings for these criteria are all located under under (1).

(1) The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language. (Development Code Amendment criterion)

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan. (Zoning Map Amendment criterion)

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. (Zoning Map Amendment criterion)

FINDINGS

- 1.1 The proposed Code amendments have been considered concurrently with amendments to the Comprehensive Plan, Comprehensive Plan Map and Zoning Map in a legislative proceeding. (The Comprehensive Plan amendments are adopted.) The impetus for this review is to satisfy state Periodic Review work tasks for a Buildable Lands Inventory and Growth Management Implementation.
- 1.2 Albany recently completed the Balanced Development Patterns project, which looked at the relationships between land uses and land uses and the transportation system and tried to determine where to locate future jobs and housing over the next 20 years. The project included a review of the Comprehensive Plan and Zoning maps and recommended a modified development pattern using village centers and employment centers to better distribute goods and services, to reduce cross-town trips and enhance community livability.

Mixed-Use Commercial (MUC) Zone

- 1.3 The Comprehensive Plan map designates Village Centers (in North Albany, East Albany, south of Oak Creek and Central Albany) to provide services close to neighborhoods and reduce cross-town trips for daily needs. The Mixed-Use Commercial (MUC) zone is proposed in new Village Centers to serve as the commercial core of the center.

The following Comprehensive Plan goals and policies (found in the Goal 9: Economic Development section of the plan) are relevant to the proposed Development Code amendments. Each goal or policy is written in *italic* type and considered as a separate review criterion.

Designate new village and mixed-use centers that provide a mix of commercial, office, entertainment and medium-to-high density residential uses that are integrated into the desired character of the neighborhood.

- 1.4 The purpose statement for Village Centers in the Comprehensive Plan states that they are to provide for a “mixture of uses to serve nearby neighborhoods. These uses must include retail and residential uses and may include offices, community and personal services, and live-work units.

Development within a Village Center will be pedestrian friendly, fit the desired scale and character of nearby neighborhoods and prevent the appearance of strip commercial development.”

- 1.5 The proposed Mixed-Use Commercial (MUC) zone is compatible with the Village Center Comprehensive Plan designation. The MUC zone is intended to provide a mix of housing with retail and offices that meet daily goods and service needs. The design standards and proposed maximum building sizes support the plan goals of creating a pedestrian friendly center that fits the character and scale of nearby neighborhoods and prevents the appearance of strip commercial development.
- 1.6 The objectives for the new North Albany Village Center are spelled out in the *Question and Answer* piece reviewed by the City Council at their October 21 work session. Here are those objectives:
- Create a mixed use center for the Hickory Street area that allows retail, services, employment and residential opportunities.
 - Allow a shopping area(s) suitable for retail tenants that sell daily living or convenience goods such as food, drugs, hardware, personal services, and a small amount of non-retail uses typically found in a neighborhood shopping center.
 - Limit commercial uses to those that meet the daily needs of the North Albany trade area.
 - Coordinate design of a mixed use center to complement and enhance the Hickory Street Village Center as well as serve the needs of the larger North Albany area.
 - Establish design and performance standards to achieve compatibility between the different land uses in the Village Center.
 - Provide an environment that is pedestrian-friendly and accommodating to vehicles.
 - Create a “gathering place” for the North Albany neighborhood.
 - Establish a level playing field for known commercial developers.

Provide opportunities for Village Centers to be located close to the areas they are intended to serve. Village Center commercial uses must:

- a. *Be located, designed, and operated so as to be compatible with surrounding residential uses.*
- b. *Be oriented to provide for the common and frequently recurring shopping needs of the area they are intended to serve....*

- 1.7 The Mixed-Use Commercial zones in Village Centers are located close to neighborhoods they are intended to serve and are sized to meet the convenience commercial needs of the nearby residents. They are clustered near neighborhoods for easy accessibility and to reduce vehicle miles traveled by Albany’s residents.
- 1.8 A Village Center is intended to achieve the look, feel and efficiency of a small village. The mix is enhanced if residential and commercial are integrated and interspersed. Commercial buildings are limited in size so that they will be compatible with the scale of the surrounding residential development. Very large buildings would create a suburban mall effect. Separate smaller buildings will create easier, more pedestrian friendly development.
- 1.9 Design standards also address compatibility with surrounding residential uses.

Use land use controls and other tools to reserve Village Centers for intended uses.

- 1.10 A maximum building size is proposed in MUC of 20,000 square feet for non-grocery businesses, and 80,000 square feet if a grocery store occupies at least fifty percent (50%) of the total square footage. One intent of the building size limits is to keep uses that may serve a regional market and/or generate excessive traffic from locating in the MUC zone. ***[Other MUC footprint findings are under Review Criterion (3), Transportation.]***

Maximum Building Size in the Community Commercial Zone

The size and type of future regional and community commercial sites shall be commensurate with the area to be served and located so as to be easily accessible to the service area.

- 1.11 Albany's commercial zoning is intended to provide for a variety of types and sizes of users. There are different commercial zoning districts based on intensity of use and compatibility with surrounding development. These are primarily a function of the transportation system and proximity to residential neighborhoods.
- 1.12 The Community Commercial zone is intended to serve the Albany community, but not the region and other communities. All of the CC zoning is located on arterial streets running through town.
- 1.13 A maximum building size of 100,000 square feet is proposed for the CC zone. 100,000 square feet represents a size that would allow retailers to serve Albany residents' needs, but not so large that it will enable development that will draw heavily from outside the community.
- 1.14 Properties designated as Community Commercial are located to easily serve the community, primarily on arterial streets. A maximum building size of 100,000 square feet is proposed to encourage the larger retailers to locate in the Regional Commercial zone.
- 1.15 Albany is bisected by Interstate 5 (I-5). Highways 20 and 99E cross the freeway. Because the highest volume roadway is I-5, it makes sense to locate the Regional Commercial (RC) zone near I-5, especially where other arterials bisect I-5. The RC zone is intended to serve properties that will draw patrons from outside the Albany city limits. We anticipate that from the east they are likely to come from Lebanon and Sweet Home; north from Salem; south from Tangent and Halsey, and west from Corvallis. Locating the regional-draw retailers near I-5 will help to reduce the amount of non-Albany traffic on our local streets.
- 1.16 Most of the large retailers (proposed to be zoned RC) that have developed in Albany over the past 10 years have chosen to be near the I-5 corridor (e.g., Home Depot, Costco, Coastal Farm). The market is determining that I-5 is best location for RC.
- 1.17 The property on the east side of Highway 99E at 53rd Avenue is zoned Community Commercial, in the southwest area of the city. This property is not proposed to be rezoned to RC because it is not located near Interstate 5.

CONCLUSIONS

- 1.1 The proposed text and map amendments are consistent with the Balanced Development Patterns planning project outcomes and with the Comprehensive Plan Map designation Village Center. A new Village Center zone, Mixed-Use Commercial (MUC), is proposed in North Albany and East Albany. These areas are designated Village Center in the Comprehensive Plan.

- 1.2 The building footprint limitation in the Village Center MUC zone ensures that businesses will draw from the surrounding neighborhoods rather than from the entire city or the region. This is also necessary to reduce vehicle miles traveled and for the area to function as a village rather than a suburban mall.
- 1.3 The building footprint in the Community Commercial zone ensures that very large retailers that serve markets beyond Albany will locate in the Regional Commercial zoning district near Interstate 5.
- 1.4 The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language. They will help achieve the goals of a more livable community with daily goods and services easily accessible to residents in Village Centers and businesses with a regional market located near Interstate 5.

(2)The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

FINDINGS

- 2.1 The following policies are relevant to the proposed Development Code amendments:

Establish procedures and standards requiring that the design of site improvements and building improvements are consistent with applicable standards and flexible design guidelines.

The proposed amendments include design standards in the Mixed-Use Commercial zone that support pedestrian friendly design, while encouraging diversity in design in order to meet individual business needs.

Provide for review and approval of the relationship between land uses and traffic circulation in order to minimize congestion, with particular emphasis on not exceeding the planned capacity of residential streets.

The new Mixed-Use Commercial zone is being created to reduce the number of daily trips for convenience goods by locating these zones close to residential areas. Encouraging the large-scale retailers to locate in the new Regional Commercial zone (rather than the Community Commercial zone) should reduce the number of non-local trips on local streets.

Protect and enhance the city’s aesthetic beauty and character.

The proposed amendments to add design guidelines in the Mixed Use Commercial zone will help to make these attractive and pedestrian friendly centers.

- 2.2 The intent and purpose of the MUC zone is “to provide daily goods and services close to residents in a scale that is compatible with the surrounding area and pedestrian friendly. The zone will also provide medium density housing and offices.” A maximum building size of 20,000 square feet is proposed for non-grocery businesses, and 80,000 square feet if a grocery store occupies at least fifty percent (50%) of the total square footage, in order to achieve the purpose of this zone.
- 2.3 The intent and purpose of the CC zone is to “recognize 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.” A maximum

building size of 100,000 square feet is proposed in order to encourage regional and very large retailers to locate in the RC zone.

CONCLUSIONS

- 2.1 The proposed Development Code text amendments are consistent with Comprehensive Plan policies and with the purpose statements of the Development Code.

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

FINDINGS

- 3.1 The purpose of the proposed map and code amendments is to establish a more efficient land use pattern that may reduce vehicle trips for daily needs and to carefully locate businesses that may have significant traffic impacts. The Village Center Comprehensive Plan designation has been applied in North Albany and East Albany (a future center is anticipated in the Oak Creek area) to help reduce trips by providing convenience-oriented retail and services. Commercial uses that draw from the region (proposed to be zoned Regional Commercial) are located near Interstate 5.

Mixed-Use Commercial (MUC) Zone

- 3.2 The preferred land use pattern proposed by the Balanced Development Patterns project was analyzed for traffic impacts in the EMME/2 modeling system. The proposed Village Centers are sized to meet the nearby residents' needs and thus will have less future impact than the current land use pattern because cross-town trips could be reduced.
- 3.3 The new MUC zone in North Albany will convert medium-density residential and office land to Mixed-Use Commercial. Highway 20 through North Albany and the Lyon/Ellsworth bridges are quickly approaching capacity. There is concern that the size and scale of the commercial uses not greatly increase the traffic on Highway 20 from south of the river. A maximum building size is proposed in MUC of 20,000 square feet for non-grocery businesses and 80,000 square feet if a grocery store occupies at least fifty percent (50%) of the total square footage. This limitation should keep uses that may generate a lot of traffic from across the river to a minimum.
- 3.4 The North Albany MUC zone is immediately adjacent to Highway 20 and the bridges across the Willamette River. Bridge capacity is limited. Access to Highway 20 (from the Village Center) is limited to two entrances: one at North Albany Road and one at Springhill Drive. These facts combine to create various circumstances that make traffic and transportation routes important issues in rezoning land.
- 3.5 At the November 19 City Council work session, Community Development Director Helen Burns Sharp reminded the Council that ODOT is funding the North Albany Refinement Plan with a Transportation and Growth Management grant. The objectives of this plan are spelled out in the *Question and Answer* piece reviewed at the October 21 City Council Work Session. A key objective is to preserve and enhance the "through movement" function of Highway 20 in North Albany and evaluate alternatives to the transportation system that may delay the need for highway capacity improvements. Another key objective is to establish a land use pattern that reduces reliance on the automobile, reduces overall household trip generation and trip length, and provides maximum opportunity for the use of bicycles, walking and transit.

- 3.6 At the November 19 work session, Sharp said that traffic studies required by the refinement plan raise concerns about the capacity of Highway 20. Doing away with footprint limits in MUC could raise issues with ODOT. Allowing large retailers in North Albany may result in large retailers that draw from the region and therefore may result in more traffic than a number of smaller non-regional retailers that generally serve residents within a smaller radius.
- 3.7 At the December 11 City Council meeting, Public Works Director Floyd Collins responded to a question from the Council about a recent meeting with ODOT. He said that ODOT is concerned about traffic impacts from development in the North Albany Road area. If there were no building limitations, ODOT said they would have to model the worst case scenario.
- 3.8 The Council finds that ODOT's concerns are merited. Allowing regional uses in the MUC zone will encourage traffic from the Linn County side of the Willamette River to visit the site, exacerbating the traffic problem and hastening the date at which Highway 20 reaches capacity. The square-footage limitations in the MUC zone are intended to encourage development on a scale that may reasonably be expected to primarily serve the Benton County residents of Albany and will thus minimize congestion on the bridges and Highway 20 by minimizing their need to travel to Linn County for routine goods and services.
- 3.9 The building size limits in MUC serve two needs. First, by limiting the scale of non-grocery commercial development to 20,000 square feet, the Council finds that the resulting commercial development will likely be of the kind that will principally serve the North Albany and East Albany residents. Commercial users of this size will likely not be large enough to draw Linn County consumers away from similar commercial uses more conveniently located to their own homes. In this manner, the Council finds that this square-foot limitation will reduce Linn County traffic to North Albany and reduce and delay traffic problems on Highway 20 and may also reduce some daily trips from East Albany across Interstate 5.
- 3.10 Second, because of the absence of neighborhood commercial development in North Albany and East Albany, these area residents currently have to travel either across the congested Highway 20 bridges or over Interstate 5 for their daily shopping needs. Non-grocery commercial uses of 20,000 square feet or less and a grocery store should be adequate to meet many of these shopping needs, thus minimizing the need to use Highway 20 to travel to Linn County from North Albany.
- 3.11 The 80,000-square-foot limitation for grocery-anchored businesses in the MUC zone is appropriate to meet current industry standards. It is large enough to attract the kind of grocery and other convenience-oriented retail that presently exists in other parts of Albany. (A small grocery store may not limit North Albany and East Albany residents' desires to go to other supermarkets for a better selection of produce, meats, pharmacy, etc.) It is Council's intent to allow the marketplace to provide grocery stores in North Albany and East Albany that will provide services comparable to those found in Albany, south of the Willamette River and east of the freeway.

Maximum Building Size in the Community Commercial Zone

- 3.12 Retail uses that draw from the region are proposed to be located close to Interstate 5 in order to reduce the number of non-local trips on the local roads. A maximum building size of 100,000 square feet is proposed in the CC zone in order to discourage regional-scale retailers from locating within the heart of the community and heavily drawing non-local traffic onto Albany's streets.

CONCLUSIONS

- 3.1 The proposed MUC zone with building size limits should have the least impact on current or anticipated transportation facilities outlined in the Albany Transportation System Plan. Transportation facilities are generally adequate to meet future development resulting from the proposed MUC amendments, except Highway 20 in North Albany and over the Willamette River.
- 3.2 ODOT, DLCD and the City are concerned that the size and scale of the commercial uses not greatly increase the traffic on Highway 20 from south of the river. A maximum building size of 80,000 square feet is proposed in MUC if a grocery store occupies at least fifty percent (50%) of the total square footage. For non-grocery retailers, the maximum is 20,000 square feet. This proposed limitation should help to reduce the number of trips across the Willamette River.
- 3.3 Retail uses that draw from the region are proposed to be located in the new RC zone, close to I-5, in order to reduce the volume of non-local trips on the local roads.
- 3.4 The Map amendments try to achieve the goal of more efficient land use and transportation patterns.

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

FINDINGS OF FACT

- 4.1 General. The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review.

North Albany/Hickory Street

- 4.2 Water. All of the North Albany area is fed by a single 24-inch water main that crosses the Willamette River at the Lyon Street bridge. The North Albany Water Facility Plan shows the construction of a 27-inch main crossing the river (at the railroad tracks in Lafayette Street) in the future to provide a second feed to the area.
- 4.3 Fire Flow. Reservoir storage is available for limited emergency purposes. Currently, fire flows are adequate in the Hickory Street area, but the lack of a second feed is problematic, regardless of the land use designations.
- 4.4 Sewer. All sanitary sewer discharge from the North Albany area goes through the existing lift station at the east end of Hickory Street.

East I-5

- 4.5 Water - Knox Butte. A water reservoir is planned for Knox Butte near Scrael Hill Road. This reservoir will provide emergency storage for the areas east of I-5.
- 4.6 Sewer - Knox Butte. The sanitary sewer master plan indicates that some of the piping along Knox Butte Road to the Century Drive lift station is undersized to accommodate ultimate development within this basin. It is uncertain how much additional development can occur within this basin before upgrades are necessary. Significant development proposals will likely be required to provide the City with a sewer basin study to determine if the existing system has adequate capacity to accommodate the development.

- 4.7 Schools. A tentative school site is proposed in East I-5. This would help to accommodate future elementary and/or middle school needs if the School District decides to use this land.

CONCLUSION

- 4.1 In general, the proposed zone changes should not impact the major facility plans. The existing or proposed public utilities can accommodate the proposed zoning changes and Comprehensive Plan land use designations.

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

FINDINGS OF FACT

- 5.1 In general, the proposed Zoning Map amendments will not significantly change the types of uses currently allowed. Any unique or natural features will be addressed through the development review process (either Site Plan or Conditional Use review).
- 5.2 Floodplains. Several properties proposed to be rezoned to MUC in North Albany are in the 100-year floodplain, based on the July 7, 1999, Flood Insurance Rate Map Community Panels. A portion of the East I-5 MUC zone is also in the 100-year floodplain. When development is proposed in these areas, it will be required to meet standards for floodplain development, which currently requires a Planning Commission public hearing (Type III process).
- 5.3 Wetlands. There are no inventoried wetlands on the properties proposed to be zoned MUC in North Albany. Wetlands have been inventoried (National and Local Wetland Inventories) on the properties proposed to be zoned MUC in East I-5 around Burkhart and Truax creeks.
- 5.4 Slopes. The proposed East I-5 MUC zone is level to gently sloping. There are more slopes in the North Albany MUC zone. Neither area is noted as having significant slopes in the Comprehensive Plan.
- 5.5 Significant Natural Vegetation. No significant natural vegetation is identified in either the East I-5 or North Albany MUC zones on the Natural Vegetation and Wildlife Habitat plate in the Comprehensive Plan. Burkhart and Truax Creeks surround the proposed East I-5 MUC zone. Vegetation would be reviewed at the time of development.
- 5.6 Historic Districts. The properties proposed to be rezoned to MUC are outside the National Register Historic Districts. There is a significant historic property in North Albany: the Peacock House, which is not on the Local Historic Inventory or the National Register of Historic Places.
- 5.7 Open Space. The Open Space designation on the Comprehensive Plan Map generally follows open channels mapped in the 1988 wetland inventory and identified in the most current Geographic Information Systems data. The Open Space zoning district is intended to match the Comprehensive Plan Open Space boundaries and follow documented water resources. The city is working to better define the Open Space boundaries for riparian areas and water resources through the Goal 5: Natural Resources work as part of the current periodic review effort. The Open Space zone boundaries may shift slightly to reflect the current water resource locations.

CONCLUSION

- 5.1 Any unique natural features will be addressed through the development review process.

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