

FINDINGS AND CONCLUSIONS
Albany Development Code and Zoning Map Amendments

ALBANY DEVELOPMENT CODE AMENDMENTS (File DC-01-02)

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

FINDINGS OF FACT

- 1.1 The proposed Code amendments were being considered concurrently with amendments to the Comprehensive Plan, Comprehensive Plan Map and Zoning Map in a legislative proceeding. (The Comprehensive Plan amendments are adopted.)
- 1.2 The impetus for this review is to satisfy state Periodic Review requirements for Goal 9: Economic Development. The proposed amendments respond to changing economic conditions and work towards achieving both the short-term and long-range goals and policies of the Comprehensive Plan.

The following Comprehensive Plan goals and policies are relevant to the proposed Development Code amendments. Each goal or policy is written in *italic* type and considered as a separate review criterion.

Review and amend the Development Code regulations as needed to maintain adequate industrial and commercial designated lands in locations that will achieve balanced and sustainable development patterns.

- 1.3 Albany recently completed the Balanced Development Patterns project, which looked at the Comprehensive Plan and Zoning Maps to figure out how to manage growth over the next 20 years. The result was a modified development pattern using village centers and employment centers to better distribute goods and services to reduce cross-town trips, reserve land for employment, and enhance community livability.

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.

Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.

Provide development opportunities for large-scale industrial and commercial development.

- 1.4 The Code currently uses the Community Commercial zone for businesses of all sizes and service areas. In order to locate businesses with a regional draw in a location that is easily accessible to the region, a new Regional Commercial zoning district is proposed. Properties with an anticipated regional draw are proposed to be reclassified from Community Commercial, Heavy Commercial and Light Industrial to Regional Commercial.
- 1.5 Properties proposed to be zoned Regional Commercial are mostly large parcels or clusters of adjacent parcels that are vacant, partially developed or developed that serve or have the potential to serve the Albany region. Most of the parcels are located with easy access to a major arterial or highway, which would be easily accessible to Albany residents and others.
- 1.6 Properties proposed to stay zoned Community Commercial are located primarily on arterial streets.

Discourage regional shopping centers outside the Albany Urban Growth Boundary area that primarily target the Albany market area.

- 1.7 Due to Albany’s prime location on Interstate 5, Highway 99 and U.S. Route 20, Albany is a good location for retailers serving a regional market.
- 1.8 The purpose of the new Regional Commercial zone is to provide a zone for large-scale retail development. The vacant Regional Commercial properties are located with easy Interstate 5 access to serve the regional retail market.

Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that foster: efficient and safe utilization of transportation facilities; a variety of attractive shopping opportunities; compatibility between land uses, particularly adjacent residential neighborhoods; and efficient extension of public facilities and services.

- 1.9 The proposed amendments to the development standards for commercial developments would encourage development and redevelopment along existing commercial corridors and downtown that is pedestrian-friendly and compatible with nearby residences and historic architectural styles.

Amend the Code to remove regional retail uses as permitted uses in industrial and employment zones and establish maximum building square footage for commercial uses within those plan areas.

Statewide Planning Goal 9 also says that plans for urban areas should “*limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.*”

- 1.10 In order to protect the Heavy Industrial (HI) and Light Industrial (LI) zones for such uses, retail uses are proposed to be removed from the HI and LI zones. The HI zone, in particular, is limited in size and there is very little vacant HI land.
- 1.11 The proposed amendments to the permitted uses in the Industrial Park and Light Industrial zones would remove regional retail uses as permitted uses. Limited convenience retail and service uses will be permitted in the Industrial Park zone and are proposed to be limited in size to 5,000 square feet. The proposed amendments would help protect industrial properties for industries and businesses.

Ensure that all building permit and planning regulations and procedures are clear, uncomplicated, concise, and are administered in a timely manner to avoid unnecessary delays.” And “Periodically review the Albany Development Code with the assistance of public input to eliminate inconsistencies, conflicts, and ambiguities.”

- 1.12 The proposed replacement of the current multi-page Schedules of Permitted Uses with a one-page schedule is intended to make the Code more clear and concise. The schedule would be supplemented with a new Use Categories section that would describe each use type in Article 22 (Definitions). Article 22 would be renamed “Use Categories and Definitions.”
- 1.13 The proposal to combine Articles 4 and 5 (the commercial and industrial zoning standards) will allow more direct comparison of the zoning districts and avoid duplication in the two articles.

CONCLUSIONS

- 1.1 The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing regulatory language because the Code amendments help to implement the goals of a

more livable community with goods and services easily accessible to residents and lands protected for future industrial development.

1.2 The proposed Code amendments will reserve land for large-scale retailers in locations that are easily accessible by the regional market and with the least impact on the city’s infrastructure.

1.3 The proposed Code amendments will make the Code clearer and easier to use. The amendments implement necessary changes to the zoning districts and development standards for industrial, employment and commercial areas. A Code that is easier to understand helps to make the review process more efficient.

(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 purpose of the Development Code is “to set forth and coordinate City regulations governing the development and use of land.” (ADC 1.020)

2.2 Minor revisions are proposed for the individual purpose statements for the commercial and industrial zoning districts in order to meet future employment and commercial needs and economic policies in the Albany Comprehensive Plan. The proposed amendments to the purpose statements and to the development standards are consistent with the Comprehensive Plan land use designations. The proposed text amendments are consistent with the new purpose statements.

2.3 The following purposes are relevant to the proposed Development Code amendments:

(a) Serve as the principal vehicle for implementation of the City’s Comprehensive Plan in a manner that protects the health, safety, and welfare of the citizens of Albany.

The proposed amendments to the Albany Development Code will help implement the Comprehensive Plan economic development goals and policies and meet statewide planning goals.

(b) Satisfy relevant requirements of federal law, state law, statewide goals, and administrative rules.

The proposed Code amendments are consistent with statewide planning goals and administrative rules related to Goal 9: Economic Development and Goal 14: Urbanization.

(c) 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 support quality design while encouraging diversity in design in order to meet individual business needs.

(d) Protect and enhance the city’s aesthetic beauty and character.

The proposed amendments to the uses allowed along major arterial streets may help to promote compatibility between use types and, in highly visible areas, may enhance Albany’s aesthetics and character. For example, jails and detention facilities are proposed to be removed as allowed uses in the commercial zones.

CONCLUSION

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

ZONING MAP AMENDMENTS (File ZC-01-02)

The Albany Development Code contains the following review criteria that must be met for these legislative Zoning Map amendments 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.

FINDINGS OF FACT

- 1.1 The proposed Zoning Map amendments are being coordinated with proposed Comprehensive Plan text and Map amendments related to State Planning Goal 9: Economic Development and are consistent with the Comprehensive Plan.
- 1.2 Most of the properties proposed to be rezoned are already zoned commercial or industrial and are also designated commercial or industrial on the Comprehensive Plan Map. Many of the zone changes proposed result from changing the Heavy Commercial properties to Community Commercial or Light Industrial.

CONCLUSION

- 1.1 The proposed zone changes are consistent with existing or proposed Comprehensive Plan Map designations.

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

FINDINGS OF FACT

- 2.1 The purpose of the proposed Zoning Map amendments is to establish a more efficient land use pattern that may reduce vehicle trips for daily needs and locate businesses and industries with significant traffic impacts so that they have access to major arterial roads. Commercial uses that draw from the region are proposed to be located close to Interstate 5.
- 2.2 Most of the proposed Zoning Map amendments are comparable to the current zoning designations; most commercial and industrial properties will stay commercial or industrial. The few residentially zoned properties converting to commercial zoning are on collector or arterial streets, which are able to handle the potential increase in traffic.

CONCLUSION

- 2.1 The proposed Zoning Map amendments should have little or no impact on current or anticipated transportation facilities outlined in the Albany Transportation System Plan.

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

FINDINGS OF FACT

3.1 General. The public facilities plans (water and sewer) were analyzed as part of the land use analysis in Periodic Review. In general, the proposed zone changes should not impact the major facility plans. Facilities are reviewed by sector.

East I-5

3.2 Water - Goldfish Farm Road. The City recently completed a loop in the water system by constructing a 24-inch main in Goldfish Farm Road from Highway 20 to Dogwood Avenue. This loop provides a second feed to the areas east of the freeway near Highway 20. Before construction of this main, this area was fed through a single 16-inch main across the freeway near 16th Avenue. The City plans to construct a 24-inch water main crossing under I-5 at 21st Avenue the summer of 2002. This main will provide an additional feed for the area, and should significantly improve fire flows.

3.3 Water - Century Drive. In association with the planned new joint water intake northeast of Albany, a 36-inch water main is planned to run down Century Drive to Knox Butte Road. This feed will improve supply to the areas east of I-5.

3.4 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.

3.5 Sewer - Highway 20. The sanitary sewer master plan indicates that piping in this basin downstream of the subject area is undersized to accommodate ultimate development. 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.

3.6 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.

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

3.8 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.

- 3.9 Zoning Boundaries. The zoning district boundaries in the “Brandis” annexation in East I-5 were drawn to match as closely as possible the concept plan and compatible zones in the annexation agreement. The exact boundary lines may shift when a development proposal is submitted. The proposed zoning district boundaries are compatible with the Comprehensive Plan.

South of Oak Creek: Pacific Boulevard/Linn-Benton Community College

- 3.10 Water. The area along Pacific Boulevard south of 34th Avenue is fed by a single 16-inch main in Pacific Boulevard. This single feed limits fire flow capabilities and creates a large area that would be unserved if there were a problem with this 16-inch main. The water system master plan indicates the need for a large diameter main in Lochner Road and Ellingson Road, from 34th Avenue to Pacific Boulevard. This main would provide a second feed for emergencies, and improve fire flows to the area.
- 3.11 Sewer. There are no apparent deficiencies in the public sanitary sewer system in this area. The area south of Oak Creek discharges into the Oak Creek lift station, which has sufficient capacity and is expandable.
- 3.12 Schools and Police. The proposed zone changes should not affect the school and police needs in this area.

Ferry Street

- 3.13 Water. Current water service to Ferry Street between Queen Avenue and 34th Avenue is provided by a system of looped 12-inch and 16-inch mains. Fire flows in this area are adequate to meet the demands of potential uses allowed by the proposed zoning designation.
- 3.14 Sewer. There are no apparent sanitary sewer system deficiencies associated with this basin.

CONCLUSION

- 3.1 The existing or proposed public utilities can accommodate the proposed zoning changes and Comprehensive Plan land use designations outside the City limits.

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

FINDINGS OF FACT

- 4.1 In general, the proposed Zoning Map amendments will not significantly change the types of uses currently allowed. Any unique natural features will be addressed through the development review process (either Site Plan or Conditional Use review).
- 4.2 Floodplains. Most properties proposed to be rezoned are not in the floodplain, based on the July 7, 1999, Flood Insurance Rate Map Community Panels. The old Cemwood site (zoned Light Industrial) at the north end of Geary Street is in the Willamette River floodplain. The property owners of the Cemwood site are requesting it be rezoned to residential from industrial. Portions of a few industrial and commercial properties are in the Oak Creek floodplain. When development is proposed in these areas, it will be required to meet standards for floodplain development, which currently require a Conditional Use approval and Planning Commission public hearing (Type III).

- 4.3 Wetlands. The local wetland inventories identify wetlands on some properties in the Oak Creek area and in East I-5.
- 4.4 Slopes. The properties proposed to be rezoned are level to gently sloping and are not identified as significant in the Comprehensive Plan.
- 4.5 Significant Natural Vegetation. Areas proposed to be rezoned are not identified as having significant natural vegetation in the Comprehensive Plan. Vegetation would be reviewed at the time of development.
- 4.6 Historic Districts. Two areas proposed to be rezoned are in the Monteith National Register Historic District. Historic review is required for the alteration of these properties, but not the use of these properties.

CONCLUSION

- 4.1 Any unique natural features will be addressed through the development review process (Partition, Subdivision, Site Plan or Conditional Use reviews).
- (5) ***The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.***

FINDINGS

- 5.1 The proposed amendments are being considered concurrently with amendments to the Comprehensive Plan and Comprehensive Plan Map in order to meet requirements for State Planning Goal 9, Economic Development.
- 5.2 The proposed Zoning Map amendments will implement the Comprehensive Plan economic development policy of providing enough land in the right locations to meet commercial and industrial needs to 2020.
- 5.3 The Map amendments try to achieve the goal of more efficient land use and transportation patterns while enhancing Albany's aesthetics.

CONCLUSION

- 5.1 The proposed Zoning Map amendments are consistent with the Comprehensive Plan and the Comprehensive Plan Map. This criterion is satisfied.

THE REVISED ZONING MAP is attached as Exhibit 'I'.