

ORDINANCE NO. 5650

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 NEAR THE SOUTHEAST CORNER OF 34TH AVENUE AND HILL STREET SE.

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 June 5, 2006, public hearing for City of Albany File Nos. CP-04-05 and ZC-03-05; and

WHEREAS, the Albany City Council held a public hearing on the proposed map amendments and took first reading on this Ordinance on June 28, 2006, and

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

Section 1: The Findings of Fact and Conclusions included in the Staff Report, attached as Exhibit "A," are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the properties described in Exhibit "C" is hereby amended from General Commercial to Residential Low Density. (Exhibit "B" is the map referenced in Section 4 and Section 5 below.)

Section 3: The Zoning Map designation of the properties described in Exhibit "C" is hereby amended from CC (Community Commercial) to RS-5 (Residential Single Family).

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: July 12, 2006

Approved by Mayor: July 12, 2006

Effective Date: July 12, 2006

  
\_\_\_\_\_  
Mayor

ATTEST:

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



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# Community Development Department

## STAFF REPORT

### Comprehensive Plan Map Amendment Zoning Map Amendment Subdivision

<u>HEARING BODY</u>	CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, June 28, 2006
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

#### GENERAL INFORMATION

DATE OF REPORT:	June 21, 2006
FILES:	CP-04-05, ZC-03-05, and SD-17-05
TYPES OF APPLICATIONS:	<ol style="list-style-type: none"> <li>1) <u>CP-04-05</u>: Comprehensive Plan Map amendment that would change the designation of 6.25 acres of land from General Commercial to Residential Low Density.</li> <li>2) <u>ZC-03-05</u>: Zoning Map amendment that would change the map designation of the same 6.25 acres from CC (Community Commercial) to RS-5 (Residential Single Family).</li> <li>3) <u>SD-17-05</u>: Subdivision Tentative Plat that would divide the same 6.25 acres of land into 36 residential single-family lots.</li> </ol>
REVIEW BODIES:	City Council (The Planning Commission had a public hearing on these applications on May 5, 2006, and recommended the City Council approve the applications.)
PROPERTY OWNER/ APPLICANT:	WSS Properties LLC; c/o Rick Smith; 201 1st Avenue NW, Suite B; Albany, OR 97321
APPLICANT REPS:	Bob Speaker; 2960 NW Marshall Drive; Corvallis, OR 97330 Udell Engineering; 63 E. Ash Street; Lebanon, OR 97355
ADDRESS/LOCATION:	Multiple addresses. South side of 34th Avenue, east of Hill Street SE.
MAP/TAX LOTS:	Linn County Assessor's Map No. 11S-3W-18DD; Tax Lots 400, 500, 600, 800 and 900
ZONING:	Currently zoned CC (Community Commercial)
TOTAL LAND AREA:	6.25 acres (currently five tax lots)
EXISTING LAND USE:	Vacant land
NEIGHBORHOOD:	Oak Neighborhood
SURROUNDING ZONING:	North: RS-6.5 (Residential Single Family) South: RS-6.5 East: CC (Community Commercial) West: RS-6.5

**SURROUNDING USES:** North: Single-family houses across 34th Avenue  
South: Single-family houses  
East: Vacant land (wetland mitigation site) and senior apartments  
West: Credit union and single-family houses across Hill Street

**PRIOR HISTORY:** No other land use applications for this property have been reviewed by the Planning Division. This property was annexed to the city in 1957.

### NOTICE INFORMATION

The applicants held a neighborhood meeting at the Albany Public Library on September 14, 2005. The neighbors who attended the meeting and contacted the applicant were supportive of the property being zoned for residential use.

A Notice of Public Hearing about the Planning Commission and City Council public hearings was mailed to surrounding property owners on May 24, 2006. The site was posted on May 25, 2006, with signs that advertises the public hearing. The signs have remained up pending the City Council hearing.

### PLANNING COMMISSION RECOMMENDATIONS

#### **APPROVAL OF:**

- 1) The Comprehensive Plan Map amendment that would change the designation of 6.25 acres of land from General Commercial to Residential Low Density.
- 2) The Zoning Map amendment that would change the map designation of the same 6.25 acres from CC (*Community Commercial*) to RS-5 (*Residential Single Family*).
- 3) The Subdivision Tentative Plat that would divide the same 6.25 acres of land into 36 residential single-family lots.

### SUGGESTED CITY COUNCIL ACTIONS

- 1) Adoption of the attached Ordinance to change the Comprehensive Plan Map and Zoning Map designations of the property; and
- 2) "I move that the City Council approve with conditions the Subdivision Tentative Plat application that will divide 6.25 acres of land into 36 residential single-family lots. These actions are based on the findings and conclusions of the staff report and testimony at the public hearing."

### 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. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision maker.

## DESCRIPTION AND PURPOSE OF THE APPLICATIONS

The property that is the subject of these applications is located near the southeast corner of 34th Avenue and Hill Street. The property is 6.25 acres. The property is part of a subdivision named Rogersdale Addition.

The 0.6-acre parcel at the corner of 34th Avenue and Hill Street was developed with a bank in the 1980's. The building that was the bank is a credit union now. This parcel is not included in the applications and remains designated for commercial use.

The subject property is currently designated on the Comprehensive Plan Map and Zoning Map for commercial use. The property has been in the City since 1957. A 1971 Comprehensive Plan shows the property designated for commercial use. A 1976 Zoning Map shows the property designated for commercial use. Earlier maps are not available.

The property was owned by the Tripp family until about a year ago. WSS Properties LLC bought the property in 2005. WSS Properties proposes to change the Comprehensive Plan Map designation of the property from General Commercial to Residential Low Density and to change the Zoning Map designation of the property from CC (Community Commercial) to RS-5 (Residential Single Family).

The purpose of the map amendments is to allow the property to be developed with a residential subdivision. WSS Properties has submitted a concurrent Subdivision Tentative Plat that would divide the property into 36 residential single-family lots.

## STAFF ANALYSIS

### **Comprehensive Plan Map Amendment File CP-02-05**

The Albany Development Code (ADC) 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 and conclusions.

- (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 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)
- 1.2 The requested designation of the property is Residential Low Density. The Residential Low Density designation "Identifies areas predominantly suited or used for single-family development on lot sizes ranging from 5,000 to 10,000 square feet." (Comprehensive Plan, pages 9-10)

### 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 Residential Medium Density designation. Goals and policies are listed below in *bold italics*, 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 provide 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.

## **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.

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 5: OPEN SPACES, SCENIC & HISTORIC AREAS, & NATURAL RESOURCES**

- 1.8 *Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.*

*Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the property. The U.S. Department of Interior, Fish and Wildlife Service National Wetlands Inventory map shows that a large area of the property has wetlands on it.

The applicants submitted a "Wetland Map" with the applications. The map was done by Udell Engineering and Surveying. The map is dated October 16, 2005. The map shows that there are about 3.9 acres of wetlands on the property.

The Oregon Department of State Lands (DSL) regulates wetlands in Oregon. Either commercial or residential development on the property may require permits from DSL. The applicants will be required to comply with DSL regulations and permit requirements when the property is developed.

In findings submitted with the application, the applicants say, "The property owner has applied for a permit for development activities in wetlands from the Division of State Lands (DSL) and Army Corps of Engineers (ACE). Measures necessary to mitigate any impacts to the wetlands will be determined through the permitting process. No development activity will be permitted on the site until a permit is issued. All development activity will be in compliance with the permit conditions. The applicant is proposing to mitigate wetlands impacts off-site."

#### **GOAL 9: ECONOMY**

- 1.9 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**

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

This property is currently designated on the Comprehensive Plan Map as General Commercial. The property is zoned CC (Community Commercial). These designations provide the opportunity to develop the property with 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 proposed map amendments would remove the property from the City's inventory of commercial land. The proposed map amendments would designate the property for single-family residential use.

##### **Land Use**

- 1.11 *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.*

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

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

- 1.12 The proposed Comprehensive Plan Map amendment application would change the map designation of 6.25 acres of property from General Commercial to Low Density Residential. A concurrent application proposes to change the property's Zoning Map designation from CC (Community Commercial) to RS-5 (Residential Single Family).

The proposed map amendments would remove 6.25 acres of commercial land from the City's inventory of commercial land.

- 1.13 In general, the basis for determining whether there is an adequate supply of various types of land is data included in the Comprehensive Plan. The Comprehensive Plan is updated periodically.

1.14 Demand for Commercial Land in Albany – 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.

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

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, page 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)

1.15 Supply of Commercial Land in Albany

The 6.25 acres of land that are the subject of this application is made up of five separate tax lots. All of the tax lots are under the same ownership. These tax lots under common ownership do not show up on the EOA inventory of vacant commercial parcels larger than 5 acres because "property ownership was not used to determine the feasibility of combining smaller parcels." (EOA, page A-2)

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

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. Three of the vacant parcels shown in the inventory are shown zoned Heavy Commercial. The Heavy Commercial (HC) zoning designation does not exist any more. A Regional Commercial (RC) zone has been added since the EOA inventory was done. The zoning of some existing CC (Community Commercial) parcels was changed to RC. No new commercial parcels were designated RC. A new Mixed Use Commercial (MUC) zone was added and new MUC parcels were designated. The EOA inventory is out-of-date.



#### 1.16 The City's Inventory of Commercial Land

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 five tax lots under common ownership that are the subject of this application show up on the City's inventory of vacant commercial parcels larger than five acres.

The City Council recently approved map amendments that changed about 11 acres of industrial land to commercial land at the corner of 34th Avenue and Pacific Boulevard (the YMCA property) and about 7.5 acres of multi-family land to commercial land just south of the corner of 9th Avenue and Oak Street (the Conser property).

#### 1.17 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.

The City's recent inventory of commercial land has not been adopted. 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 eight vacant or redevelopable parcels larger than five acres. CH parcels have been deleted from the inventory, and new mixed-use commercial parcels have been added to the inventory since the EOA was done. The City's inventory finds 13 commercial parcels larger than five acres.

#### 1.18 ***Policy 1, Commercial: 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.***

The applicants did not submit information about the market area that would be served by commercial development on the property, how much people might spend at this location, or whether a commercial development would be economically feasible at this location.

#### 1.19 Demand for Commercial Development at This Location

The applicants submitted a letter from the previous owners of the property (the letter is from Randy Tripp). The letter says that the Tripps owned the property from about 1969 to 2005. The property was zoned for commercial use all that time. The Tripps had the property for sale most of the time they owned it, or would have sold it if they had an offer to buy it.

The letter says that during the time the Tripps owned the property, they continuously marketed it. Mr. Tripp estimates that they had inquiries from no less than 20 different parties interested in acquiring the property. Three different buyers had an option to buy the property, but in each case, the buyers came to the conclusion that the location of the property was too far away from other retail centers to make it a viable location for commercial development. Mr. Tripp's letter is attached as Exhibit C.

In findings submitted with the Comprehensive Plan Map and Zoning Map applications the applicants say:

*"The property is not viable for commercial development (page 4). It has not been developed for commercial uses for over 30 years (page 4). There are physical, locational, and market constraints on the subject property that limit its potential for commercial development (page 6). For reasons discussed*

*in subsequent findings of fact relating to environmental constraints, locational factors, market conditions and development costs, it is likely that the property will not be developed for commercial uses in the foreseeable future (page 9). Natural features, locational factors, and market conditions have kept the property from developing (page 14). The subject property is not viable for commercial use, as evidenced by the fact that it has remained vacant for 50 years, even though all of the surrounding land has developed (page 14). The subject property has been shown to be not viable for commercial development (page 14)."*

It was not clear to staff from these statements exactly what are the reasons this property is not suitable for commercial development. Staff wrote a letter to the applicants that said we were interested in the physical, locational, and market constraints on commercial development of the property. In response, the applicants submitted the following information:

Physical constraints: The property has about four acres of wetlands on it. The applicants say that it is more economically feasible to develop the entire property at one time with a subdivision than to develop it over a long period of time with small commercial uses. They don't explain why the property would have to be developed over a long period of time with small commercial uses rather than all at one time with one commercial development.

Locational and market constraints: The applicants say there are advantages gained by co-locating or clustering businesses in one area. This corner of 34th Avenue and Hill Street is not near any other commercial development (except the one credit union on the southeast corner).

The applicants list the benefits of businesses located near one another:

- Providing consumers with a broad selection and variety at a single, convenient location.
- Enabling consumers to make purchases at more than one business and satisfy a number of shopping needs in one trip.
- Allowing a commercial center to function as a single economic unit, instead of a series of unrelated businesses.
- Increasing overall spending as the appropriate mix of businesses offers more goods and services.
- Increasing impulse buying among clustered stores that offer complementary goods.

The applicants researched and mapped new commercial developments that have occurred in Albany in the last ten years. The map is attached to this Staff Report as Exhibit D. The location of new businesses shows that:

- Businesses have located in areas with concentrations of commercial uses, including large anchor stores and malls; and along major transportation routes. Major areas of commercial development have been around Heritage Mall; North Albany Village; Downtown; along Pacific Boulevard; and near Interstate 5.
- Neighborhood commercial and community commercial areas have not seen significant development or redevelopment.
- New commercial uses in neighborhood commercial and community commercial areas have been in existing buildings.
- Personal services, which may be attracted to smaller neighborhood commercial and community commercial properties generally don't build new buildings but look for suitable existing commercial structures.

The applicants submitted a letter from Bill Ekman, a commercial real estate broker with Prudential Real Estate in Albany (Exhibit E). Mr. Ekman says it is his opinion that commercial use of this property is not its highest and best use because:

- The most active development of commercial property at this time is located along Pacific Boulevard, Santiam Highway, Heritage Mall, and the I-5 corridor.

- The daily traffic count by this property does not meet the requirements of the major commercial businesses that might locate here.
- Most of the major chain retailers want to be located near compatible businesses or, in many cases, a direct competitor.
- Small neighborhood shopping centers have not recently been successful. For example, the neighborhood shopping centers at Queen Avenue and Hill Street and at Geary Street and Grand Prairie Road.

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

The property where the map amendments are proposed is located at the southeast corner of 34th Avenue and Hill Street. All of the properties that surround the property where the map amendments are proposed are developed.

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

1.21 ***Policy 2, General: 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 property where the map amendments are proposed is currently designated for commercial use. The idea was that commercial development at this location would serve the surrounding residential neighborhoods. The property is located about one and one-third mile south and west of the nearest commercial district (at 14th Avenue and Geary Street). This location would allow residents of the surrounding residential neighborhoods access to commercial services without traveling to the more congested commercial district to the northwest.

As noted above, however, this property has been designated for commercial use for more than 30 years and has not been developed.

The Planning Commission and City Council recently approved a zone change for about 11 acres at the corner of 34th Avenue and Pacific Boulevard (the YMCA property). This will provide the opportunity for a fairly large commercial development at this corner near other businesses on a street that has high traffic counts (Pacific Boulevard).

1.22 ***Policy 5, General: 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 map amendments are proposed is 6.25 acres made up of five separate parcels. In general, a large-scale commercial development today is considered to be about ten acres.

If the map designations of the property are changed, the property will be made available for residential development instead of commercial development. This will provide the opportunity for people to live near a few jobs located at Allvac (formerly Oremet) and in proximity to several schools (Oak Elementary School, Lafayette Elementary School, and South Albany High School).

### GOAL 10 HOUSING

1.23 ***Goal: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.***

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

- 1.24 The proposed Comprehensive Plan Map amendment application would change the map designations of 6.25 acres of land from General Commercial to Residential Low Density. A concurrent application proposes to change the Zoning Map designation of the same land from CC (Community Commercial) to RS-5 (Residential Single Family).

The proposed map changes would remove 6.25 acres of land designated for commercial development and add it to the City's inventory of residential land.

- 1.25 On February 8, 2006, the City Council adopted new population projections and estimates of demand for various types of housing for Albany. They also adopted a new Inventory of Vacant and Redevelopable Land.

1.26 Demand for Residential Land and Supply of Residential Land

The data in the Comprehensive Plan shows that Albany will need about 860 acres of land designated for residential single-family development from 2005 to 2025. The data shows that we had about 1,699 acres of developable land inside the City limits designated for residential single-family development in 2005. This is a surplus of about 839 acres inside the City limits. There is an additional 1,522 acres of residential land outside the City limits, inside the UGB, that is designated for residential use (either single-family or multi-family). (Comprehensive Plan, page 4-8)

The applicants have applied for a concurrent Zoning Map amendment to zone this property RS-5. The data in the Comprehensive Plan shows that will need about 85 acres of developable RS-5 land between 2005 and 2025. The data shows that we had about 339 acres zoned RS-5 inside the City limits in 2005. There is a surplus of about 254 acres of RS-5 land inside the City limits. (Comprehensive Plan, page 4-8)

The applicants acknowledge that there is a surplus of residential single-family land in Albany. Without further discussion, they simply conclude that changing the designation of this property to allow single-family residential development will improve the variety of choices for type, location, density and cost of housing in the City.

- 1.27 *Policy 11: Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.*

The City's utility maps show that there is an 8-inch public sanitary sewer main in Hill Street; an 8-inch main running north-south through the west portion of the property; an 8-inch main that runs along the south boundary of this property; an 8-inch main located in the northeast corner of the property; and a 18-inch pressure main in 34th Avenue. The maps show that there is an 8-inch public water main in Hill Street and a 16-inch main in 34th Avenue. The maps show that there is a 21-inch public storm drainage main in Hill Street, a 24-inch main in 34th Avenue, and 24-inch and 18-inch mains in the northeast corner of the property.

## GOAL 12: TRANSPORTATION

*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, bicycle, 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 city, 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.*

#### FINDINGS OF FACT

- 1.28 See the discussion under Zoning Map Amendment Review Criterion (2). The discussion finds that the transportation system will be adequate for residential development on the property. To avoid repeating the same information, those findings and conclusions are included here by reference.

#### CONCLUSIONS

- 1.1 The City's Planning Division has notified people and agencies about the proposed map amendment application. The people and agencies that were notified have an opportunity to be involved in the decision-making process. The notification and involvement processes conform to the procedures specified in the City's Development Code.
- 1.2 If this property is to be fully developed with either a commercial use or a residential use, at least some of the wetlands on the property will have to be filled. The wetlands cover a significant area of the property. The applicants say they have applied to DSL for a permit to fill the wetlands.
- 1.3 The commercial designation of the property allows the opportunity for development on the property to contribute to the economy of Albany and strengthen Albany's role as the regional economic center.
- 1.4 The Economic Opportunities Analysis (EOA) done as part of periodic review of the City's Comprehensive Plan shows that we have enough land designated for commercial use in the Urban Growth Boundary. However, we may not have enough parcels larger than five acres. The parcels that make up the property where the map amendments are proposed equal 6.25 acres.
- 1.5 The applicants did not do a market study that might show how much commercial development could be supported by the surrounding population in this area.
- 1.6 The applicants did submit a letter from the previous owners of the property. The previous owners owned the property from about 1969 to 2005. They say that they continuously marketed the property for

commercial use and did not find a buyer. They say that potential buyers concluded the location of the property was too far away from other commercial developments to be successful.

- 1.7 The applicants also submitted information that explains the importance of locating new commercial development near other commercial developments and businesses. The applicants found that new commercial businesses that located in Albany over the last ten years did locate near other businesses, especially on major transportation routes (on Pacific Boulevard and Santiam Highway and near Interstate 5). A letter from a local commercial real estate broker reiterates the importance that businesses place on locations near other businesses and on major streets.
- 1.8 The property where the map amendments are proposed is located so that it would be a convenient place for people in the surrounding neighborhoods to shop. The property is large enough to accommodate a small commercial development, but not a large one.
- 1.9 The proposed map amendments would add 6.25 acres to the City's supply of residential single-family land. There is more residential single-family land inside the City limits and inside the Urban Growth Boundary than we need over the next 20 years.
- 1.10 This property has sewer, water, and storm drainage available to serve either commercial or residential development. The street system in this area can accommodate additional traffic from either commercial or residential development.
- 1.11 This property would allow commercial development to provide goods and services to the surrounding residential neighborhoods at a convenient location. But the property has been designated for commercial use for more than 30 years and no commercial development has been built on it. (Except for the credit union, which was originally built as a branch bank.) Evidently, the property is not close enough to other commercial developments and businesses and is not on a busy enough street to make it an attractive location for commercial development. The addition of 6.25 acres of single-family residential land to the current inventory will increase the surplus of single-family residential land in Albany, but not significantly. The property is surrounded by other single-family development. The property has public utilities and street capacity available to serve residential development. The schools that children will attend have the capacity to serve the number of students that would live in a subdivision on the property.
- 1.12 The requested Residential Low Density designation for this 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 designation.
- 1.13 This review criterion is met.

(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. For example, the City has relevant area plans for areas such as East I-5 and North Albany.
- 2.2 There are no relevant area plans for the area where this property is located.

#### CONCLUSION

- 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 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 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)

Goal 10 (Housing), Policy 1, says "ensure that there is an adequate supply of residentially-zoned land in areas accessible to employment and public services..." Policy 11 says "encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided."

- 3.2 The property where the map amendments are proposed is located at the corner of a local street (Hill Street) and a minor arterial street (34th Avenue). The property is currently designated for commercial use, which provides the opportunity for a commercial development at this corner. This would not be considered strip development. Development on the property would be considered infill development and would provide commercial services for the surrounding residential neighborhoods.
- 3.3 On the other hand, if the map designations of the property are changed to allow residential development, it will provide the opportunity for residential development on an arterial street that provides convenient access to other areas of the City where employment opportunities are located. The property has services available (see Finding 1.27 above).
- 3.4 The proposed map amendments would designate this property for low-density residential development, which is typically residential single-family houses. The applicants have submitted a concurrent subdivision application that shows the property divided into 36 residential single-family lots.

The property to the north across 34th Avenue is on the Comprehensive Plan Map as Residential Low Density. The property to the south is designated Residential Low Density and Public. Oak Elementary School is located on the Public property. The property to the east is narrow strip designated General Commercial. That property is part of a larger property developed with senior apartments. The property to the west across Hill Street is designated Residential Medium Density and Residential Low Density.

- 3.5 The proposed Comprehensive Plan amendment would locate property designated for new residential single-family development adjacent to property also designated for residential development to the north, west, and south. It would also be located adjacent to property designated for commercial development to the east, but this property is developed with senior apartments. The property to the south has single-family houses and a school on it.

## CONCLUSIONS

- 3.1 The Comprehensive Plan does not describe ideal land use patterns or map patterns. Specific goals and policies provide guidance. For example, Goal 10, Policy 1, says "Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services..." Policy 11 says "Encourage residential development... in areas within which services are available or can be economically provided." As noted under Review Criterion (1) above, the proposed map amendments are consistent with these goals and policies.

- 3.2 The proposed map amendments would change the designation of the property from commercial to residential. All of the surrounding properties are designated for residential use, except part of the property to the south is designated "Public Facilities" on the Comprehensive Plan Map. Oak Elementary School is located on this property.
- 3.3 The requested Residential Low Density designation is consistent with the Comprehensive Plan map pattern.
- 3.4 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 italics* 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 are 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 1.7 above, Comprehensive Plan Map amendment applications 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 Criterion (1) above, this property has been designated for commercial development for more than 30 years and has not been developed.

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), Finding 1.27 above, this 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 this property is adequate to accommodate residential 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 Low Density Residential designation of this property is consistent with the Statewide Planning Goals.
- 4.2 This review criterion is met.

#### STAFF ANALYSIS

##### Zoning Map Amendment File ZC-03-05

The Albany Development Code (ADC) includes 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 6.25 acres from CC (Community Commercial) to RS-5 (Residential Single Family). The average minimum lot size in RS-5 zoning districts is 5,000 square feet. The applicants have submitted a concurrent subdivision application to divide this property into 36 residential single-family lots.
- 1.2 The current Comprehensive Plan designation of the property is General Commercial where the Zoning Map amendment is proposed.
- 1.3 The Plan Designation Zoning Matrix in the Comprehensive Plan (pages 9-15) shows that the proposed RS-5 zoning is not consistent with the General Commercial Comprehensive Plan Map designation of the property.
- 1.4 The applicants have applied to change the Comprehensive Plan Map designation from General Commercial to Residential Low Density.
- 1.5 The proposed RS-5 zoning is consistent with the proposed Residential Single Family designation of the property.

#### CONCLUSIONS

- 1.1 This criterion is met because the applicants have applied for a Comprehensive Plan Map amendment from General Commercial to Residential Low Density. The proposed RS-5 zoning is consistent with the Residential Low Density designation.
- 1.2 This review criterion is met.
- (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 for which the Zoning Map amendment is proposed is located on the south side of 34th Avenue east of Hill Street. The property has frontage on both 34th Avenue and on Hill Street.
- 2.2 Albany's Transportation System Plan (TSP) does not identify any capacity or level-of-service problems on streets adjacent to the property.
- 2.3 A trip generation and distribution analysis was submitted with the application. The study was done by PTV America, and is dated October 6, 2006.
- 2.4 The study estimated the number of new vehicle trips that would be generated by development on the property under its current CC zoning designation and under the proposed RS-5 designation.
- 2.5 The study assumed that a 46,925-square-foot retail building and a 3,000-square-foot fast food restaurant could be built on the property with the current commercial zoning designation. The study estimates that these uses would generate a total of 148 new P.M. peak hour trips on the street network.
- 2.6 The study assumed that 36 single-family lots and houses could be constructed on the property with the proposed residential zoning designation. The study estimates that 36 new houses would generate a total of 43 new P.M. peak hour trips on the street network.

## CONCLUSIONS

- 2.1 Development of the property under the proposed residential zoning designation will generate fewer new vehicle trips on the street system than under the current commercial zoning designation.
  - 2.2 The existing street system in the vicinity of the property can accommodate the additional vehicle trips that will be generated by residential development on the property.
  - 2.3 This review criterion is met.
- (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 an 8-inch public sanitary sewer main in Hill Street; an 8-inch main running north-south through the western area of the property; an 8-inch main that runs along the south boundary of the property; an 8-inch main located in the northeast corner of the property, and an 18-inch pressure main in 34th Avenue.
- 3.2 The proposed zone change would change the zoning of the property from CC (Community Commercial) to RS-5 (Single-Family Residential). Engineering studies show that residential development produces more wastewater than typical commercial development on average.
- 3.3 The City's Wastewater Facility Plan shows the need for a larger sewer main between 28th and 29th Avenue. The City's wastewater system modeling software indicates that this line may need to be replaced sometime between 2030 and 2074, depending on peak wet weather flows in the system. The Engineering Division interprets this data to mean that the proposed change of potential uses (from commercial to residential) does not accelerate the timing for replacement of this main.

## Water

- 3.4 The City's utility maps show an 8-inch public water main in Hill Street and a 16-inch main in 34th Avenue.
- 3.5 The demand for water is typically dictated by the fire flow needed within an area or zone. According to the Development Code, the largest building that would be allowed in the CC zone would be a 100,000-square-foot building. The Building Division believes the fire flows needed for fire protection of a structure this size would exceed 6,000 gallons per minute. The fire flow requirement for single-family development is a minimum of 1,500 gallons per minute. The City's water system modeling software shows that the fire flows available near 34th Avenue and Hill Street is greater than 7,500 gallons per minute.

## Storm Drainage

- 3.6 The City's utility maps show a 21-inch public storm drainage main in Hill Street; a 24-inch main in 34th Avenue; and 24-inch and 18-inch mains in the northeast corner of the property.
- 3.7 The Development Code specifies maximum lot coverage (building, parking, etc.) for development in different zones. For CC zones, the maximum lot coverage allowed is 90 percent. For RS-5 zones, the maximum lot coverage allowed is 60 percent. This means that, in general, more of the property can be covered with impervious surface in CC zones than in RS-5 zones. Therefore, it would follow that the amount of stormwater runoff for development in RS-5 zones would be less for development in CC zones.

## Schools

- 3.8 This property is currently zoned for commercial use. The property is not currently developed. The property does not generate demand for schools.
- 3.9 The proposed Zoning Map amendment would allow residential single-family development on the property. The applicants have submitted a concurrent application to divide the property into 36 residential single-family lots.
- 3.10 The applicants contacted Wayne Goates at Greater Albany Public School District when they prepared the Zoning Map amendment application in late 2005. If the property is zoned residential and subdivided, students who would live in houses on this property would attend Oak Elementary, Calapooia Middle, and South Albany High Schools.

The school district estimates that a 36-unit subdivision will contribute 14 to 22 students to the schools. About one-half of these are typically elementary age and one-half are secondary school students.

Oak Elementary had a 2005 enrollment of 289 students at the time the applicants contacted the school district. The school's capacity, based on 27 students per classroom, is 308. The school district anticipates that the school will reach capacity in 2008.

The school district estimates that a 36-lot subdivision is projected to have four to six middle school aged students. Both Calapooia and Memorial Middle Schools are somewhat under capacity (742 students at Calapooia in the fall of 2005 with a capacity of 812). The applicants did not submit data for Memorial.

South Albany High School is projected to be under its capacity until 2011.

## Police and Fire Protection

- 3.11 The Albany Police Department and Fire Department provide services to development in Albany. These departments will provide service to the property whether it is developed with commercial or residential uses.

## CONCLUSIONS

- 3.1 There are several sanitary sewer lines available to serve this property. Some of the property may be provided service by the line that runs north-south through the property. The City's Wastewater Facility Plan shows that this sewer main may be undersized between 28th Avenue and 29th Avenue for the ultimate build-out of the area that it is intended to serve. The line is not expected to reach its capacity until sometime between 2030 and 2074. Ultimately, replacement of this line will be done by the City using System Development Charges (SDC's). Development on this property will be required to pay sanitary sewer SDC's and thereby contribute to the cost of replacing the undersized line.
  - 3.2 The existing public water system has the capacity to adequately serve residential development on this property.
  - 3.3 The proposed Zoning Map amendment from CC to RS-5 is expected to result in a residential development that will produce less stormwater runoff than a commercial development. The storm drainage system that serves this property is adequate to accommodate stormwater runoff from the property.
  - 3.4 All of the area's schools have the capacity to serve the number of students that would live in the proposed subdivision.
  - 3.5 The Albany Police and Fire Departments will provide service to development on the property whether it is residential or commercial.
  - 3.6 Existing or anticipated services can accommodate potential development on the property without adverse impact on the affected service area.
  - 3.7 This review criterion is met.
- (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 this property. FEMA/FIRM Community Panel No. 410137 0006F, dated July 7, 1999, shows the property is in Zone X, an area determined to be outside any 500-year floodplain.
  - 4.2 Wetlands: *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the property. The U.S Department of Interior, Fish and Wildlife Service National Wetlands Inventory map shows that a large area of the property has wetlands on it.

The applicants submitted a "Wetland Map" with the applications. The map was done by Udell Engineering and Surveying. The map is dated October 16, 2005. The map shows that there are about 3.9 acres of wetlands on the property.

The Oregon Department of State Lands (DSL) regulates wetlands in Oregon. Either commercial or residential development on the property may require permits from DSL. The applicants will be required to comply with DSL regulations and permit requirements when the property is developed.

In findings submitted with the application, the applicants say, "The property owner has applied for a permit for development activities in wetlands from the Division of State Lands (DSL) and Army Corps of Engineers (ACE). Measures necessary to mitigate any impacts to the wetlands will be determined through the permitting process. No development activity will be permitted on the site until a permit is issued. All development activity will be in compliance with the permit conditions. The applicant is proposing to mitigate wetlands impacts off-site."

- 4.3 Slopes: *Comprehensive Plan Plate 7: Slopes*, does not show steep slopes on the property. Contours on a proposed Subdivision Plat submitted at the same time as the Zoning Map application show that the elevation of the property is generally about 225 to 226 feet. There is a ditch in the northwest corner of the property that drops to about 223 feet. There is also a higher place on the property in the same corner near the property where the credit union is located that is about 228 feet.
- 4.4 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 mostly grass and weeds on it.
- 4.5 Historic District: *Comprehensive Plan Plate 9: Historic Districts*, shows the property is not in a historic district.

## CONCLUSIONS

- 4.1 There are no floodplains, slopes, or significant natural vegetation on the property. The property is not in a historic district.
- 4.2 There are wetlands on the property. Either commercial or residential development on the property may require permits from DSL. The applicants will be required to comply with DSL regulations and permit requirements when the property is developed.
- 4.3 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 designation of the property where the Zoning Map amendment is proposed is CC (Community Commercial). The proposed designation is RS-5 (Residential Single Family).
- 5.2 This review criterion requires that the intent and purpose of the proposed RS-5 zoning district “best satisfies” the goals and policies of the Comprehensive Plan.

## INTENT AND PURPOSE OF CC and RS-5 ZONING DISTRICTS

- 5.3 ADC 4.010 says commercial zones are intended to provide land for commercial uses.
- 5.4 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.”
- 5.5 ADC 3.010 says the purpose of residential zoning districts is to preserve land for housing.
- 5.6 ADC 3.020(4) says, “The RS-5 district is primarily intended primarily for low to moderate density single family development.”

## 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, those findings and conclusions are included here by reference.

## CONCLUSION

- 5.1 The intent and purpose of the proposed RS-5 zoning district best satisfies the goals and policies of the Comprehensive Plan.

## STAFF ANALYSIS

### Subdivision File SD-17-06

The Albany Development Code (ADC) 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, conclusions, and conditions where conditions are necessary to meet the review criteria.

- (1) *Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.*

## FINDINGS OF FACT

- 1.1 The proposed subdivision would divide 6.25 acres of land into 36 residential single-family lots. The property is the subject of concurrent Comprehensive Plan Map and Zoning Map amendments that, if approved, will designate the property for residential single-family development.
- 1.2 The proposed subdivision will divide the entire parcel owned by WSS Properties LLC at this location.

## CONCLUSIONS

- 1.1 There will be no remainder of property to be considered.
- 1.2 This review criterion is not applicable.
- (2) *Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.*

## FINDINGS OF FACT

- 2.1 This review criterion has been interpreted by the City Council to require only that adjoining land either have access, or be provided access, to public streets.
- 2.2 ADC 12.060 requires that development must have frontage on or approved access to a public street currently open to traffic.
- 2.3 ADC 12.110 says that new streets may be required to be located where the City Engineer determines that additional access is needed to relieve or avoid access deficiencies on adjacent or nearby properties.
- 2.4 Property to the north: There are single-family houses on the properties across 34th Avenue to the north. These properties all have access to 34th Avenue, Hill Street, and Tudor Way.

Property to the south: To the south are single-family houses that have access to Tudor Way and vacant land adjacent to Oak Elementary School property. This property is owned by the school district. The school has access to Oak Street.

Property to the east: On the property to the east are senior apartments and a wetlands mitigation area, both on one property. This property has access to 34th Avenue and to Oak Street.

Property to the west: There is a credit union on the property immediately adjacent to the west. This property has access to 34th Avenue. There are single-family houses across Hill Street to the west. All of these houses have access to Hill Street.

## CONCLUSIONS

- 2.1 All of the land which adjoins the property where the subdivision is proposed has access to public streets.
- 2.2 This review criterion is met.
- (3) *The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.*

## FINDING OF FACT

- 3.1 The proposed subdivision would be located on property located on the south side of 34th Avenue, just east of Hill Street SE.
- 3.2 Thirty-fourth Avenue is classified as a Minor Arterial Street and is improved to City standards. Improvements include curb, gutter, and sidewalk; a vehicle travel lane in each direction; left-turn lanes onto Hill Street; and on-street bike lanes. There are two driveway approaches on 34th Avenue that provide access for the property where the subdivision is proposed.
- 3.3 Hill Street is classified as a Local Street. Hill Street is constructed to City standards, except that sidewalk has not been constructed along the east side of the street. Improvements include curb and gutter; sidewalk along the west side; a vehicle travel lane in each direction; and on-street parking.
- 3.4 The applicants were not required to submit a traffic study with the subdivision application. A traffic study is required only when a proposed development is expected to generate at least 50 vehicle trips during the peak hour.

Staff uses Institute of Transportation Engineers (ITE) trip generation rates to estimate the volume of traffic that will be generated by development. ITE estimates that single-family houses generate about 9.87 vehicle trips per day. Thirty-six subdivision lots will generate about 345 new trips during a typical week day. Of these trips, 43 trips will occur during the P.M. peak traffic hour.

- 3.5 Albany's Transportation System Plan (TSP) does not identify any level-of-service or capacity problems on streets adjacent to the property where the subdivision is proposed.
- 3.6 The east right-of-way line of Hill Street is located only about five feet from the curb and gutter on the west side of the street. This is too close to allow construction of the City-standard landscape strip and sidewalk required in ADC 12.122(1) for a minor local street. The Tentative Plat shows dedication of seven feet of additional right-of-way width so that the landscape strip and sidewalk can be built with the subdivision.
- 3.7 The new streets in the subdivision will all be Minor Local Streets. ADC 12.122(1) requires that the right-of-way for minor local streets be 54 feet and that the paved width from curb to curb be 30 feet. A 6-foot-wide landscape strip must be provided behind the curb. A 5-foot-wide sidewalk must be provided behind the landscape strip.

The Tentative Plat shows that the streets in the subdivision will meet the required standards, except as follows.

The Tentative Plat shows that the north 150 feet of Tudor Way will have a right-of-way width of 84.79 feet. The extra width (more than 54 feet) is all on the west side of the street. This extra-wide right-of-way results from the shape of the property at this location and the need for Tudor Way in the new subdivision to align with Tudor Way on the north side of 34th Avenue. Incorporation of the additional width (32.79 feet) into a tract in the subdivision, as opposed to right-of-way, would be preferable as it would allow for the eventual incorporation of the land into the adjoining parcel to the west.

- 3.8 The Tentative Plat shows two cul-de-sac streets. ADC 12.190 requires a 10-foot-wide lighted concrete bikeway/pedestrian access way to be dedicated and constructed from the end of each cul-de-sac to the nearest street or property line of adjacent property, except where the cul-de-sac abuts developed property and/or the City Engineer determines there is no need for a connection.

There is an existing pathway from Hill Street to Oak Elementary School that runs along the approximate south boundary of the property where the subdivision is proposed. The Tentative Plat shows a 10-foot-wide section of public right-of-way for a path from the most southerly cul-de-sac in the subdivision to the existing path to the school. The "Utility Layout" submitted with the plat shows a 6-foot-wide path in the 10-foot right-of-way.

The property to the east of the most northerly cul-de-sac is developed with the senior apartments and wetland mitigation area referenced under Review Criterion (2). A path is not needed from the cul-de-sac to this developed property.

- 3.9 In the "neighborhood meeting report" submitted with the subdivision application, the applicants say that they were contacted by the owner of the property at the north end of Tudor Way (3613 Tudor Way). This property abuts the southern boundary of the subdivision property. The owner asked the applicants to move the pedestrian path that goes to the school to a location centered on the property line between the two properties and to build a fence along the north side of the path. The applicants agreed to do this. The Tentative Plat shows the relocated path centered on the property line. The written information submitted with the application says the developer will pay to move the path and to build the fence.
- 3.10 Stop signs will be needed to assign right-of-way at the new street intersections at 34th Avenue and at Hill Street.
- 3.11 Street name signs will be needed on the streets in the subdivision to provide for the safe and efficient circulation of traffic.
- 3.12 Street lights will be needed in the subdivision to provide for the safe and efficient circulation of traffic at night.

## CONCLUSIONS

- 3.1 The property where the subdivision is proposed is located near the southeast corner of 34th Avenue and Hill Street. The Tentative Plat shows that new streets in the subdivision will connect to 34th Avenue and to Hill Street. Both 34th Avenue and Hill Street are improved to City standards, except sidewalk has not been constructed along the east side of Hill Street. These streets can accommodate the additional vehicle traffic that will be generated by the proposed subdivision.
- 3.2 An additional seven feet of right-of-way width is needed on the east side of Hill Street to provide enough width to construct a sidewalk. The Tentative Plat shows the right-of-way will be provided.
- 3.3 The streets inside the subdivision will meet Development Code standards for right-of-way width and street width, except the Tentative Plat shows that excess right-of-way width will be provided along the north 150 feet of Tudor Way. This right-of-way width must be reduced by including the extra width in a tract in the subdivision. This tract can later be conveyed to the owner of the property to the west if the owner wants to include it in his/her property.



- 3.4 A pedestrian/bicycle path will be provided from the most southerly cul-de-sac to the existing path that connects to Oak Elementary School. A path is not needed from the northerly cul-de-sac to the property to the east.
- 3.5 The applicants have agreed to relocate the path that goes to the school and build a fence along the north side of the property adjacent to 3613 Tudor Way.
- 3.6 Stop signs, street name signs, and street lights will be needed in the subdivision.
- 3.7 This review criterion will be met when the following conditions are met.

#### CONDITIONS

- 3.1 The property owner must dedicate an additional seven feet of right-of-way along the east side of Hill Street along the frontage of the property where the subdivision is proposed.
- 3.2 The property owner/developer must remove the two existing driveway approaches on 34th Avenue that provide access for this property now. The east driveway approach must be replaced with standard curb, gutter, and sidewalk.
- 3.3 The property owner/developer must construct the streets inside the subdivision to City standards. The right-of-way widths and street widths must be as shown on the Tentative Plat (54-foot right-of-way and 30-foot-wide street). Except, the extra width of right-of-way shown along the northerly 150 feet of Tudor Way must be incorporated into a tract in the subdivision, not provided as right-of-way. This will allow the property to be conveyed later to the owner of the property to the west, rather than become extra right-of-way width that is not needed for a public street.
- 3.4 The property owner/developer must dedicate the 10-foot-wide right-of-way for the bicycle/pedestrian path shown on the plat from the southerly cul-de-sac to the south boundary of the property and construct a 10-foot-wide concrete bicycle/pedestrian path in the right-of-way. The path must be constructed to connect to the existing path that connects to Oak Elementary School.
- 3.5 The property owner/developer must remove and replace the existing walkway that runs along the southern boundary of the subdivision so that the walkway is centered on the property line between the subdivision and 3613 Tudor Way SE. A fence along the north side of the walkway must be built. The fence must be six feet high.
- 3.6 The property owner/developer must install stop signs on the two new street connections to 34th Avenue and to Hill Street.
- 3.7 The property owner/developer must install street lighting and street name signs to City standards on the public streets in the subdivision.

(4) *The location and design allows development to be conveniently served by various public utilities.*

#### FINDINGS OF FACT

##### Sanitary Sewer

- 4.1 ADC 12.470 requires that all new development must extend and connect to the public sewer system when service is available within 300 feet of the property.
- 4.2 The City's utility maps show an 8-inch public sanitary sewer main in Hill Street; an 8-inch main running north/south through the western area of the property; an 8-inch main that runs along the south boundary

of the property; an 8-inch main that lies within the northeast corner of the property; and an 18-inch pressure main in 34th Avenue.

- 4.3 ADC 12.490 requires that sewer collection mains must be extended along the full length of a property's frontage, or to a point identified by the City Engineer as necessary to accommodate likely system expansion.
- 4.4 The "Utility Layout" submitted with the Tentative Plat shows that lots in about the western half of the new subdivision will have sewer lateral services connected to the existing sewer line that runs north-south through the property. Lots in the southeastern area of the subdivision will be provided sewer service by extending new 8-inch mains with service laterals from the existing main that runs north-south. The point of connection to the existing main will be in the new 36th Avenue. Lots in the northeast area of the subdivision will have sewer laterals connected to the existing main that runs through this area.

#### Water

- 4.5 ADC 12.410 requires that all new development must extend and connect to the public water system when service is available within 150 feet of the property.
- 4.6 The City's utility maps show an 8-inch public water main in Hill Street and a 16-inch main in 34th Avenue.
- 4.7 ADC 12.430 requires that water distribution mains must be extended along the full length of the property's frontage along the right-of-way, or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide service to other properties, or to provide looping for fire flows.
- 4.8 The City has the sole right to determine size, location, and type of facilities to be constructed. All engineering of public water facilities must be based on both domestic and fire protection design criteria, and in accordance with the City's Water Facility Plan [AMC 11.01.120 (2)(c)].
- 4.9 The "Utility Layout" shows that new public water mains will be constructed along the full lengths of the new streets within the subdivision. These new mains will have water services installed to provide service to each lot.

#### Storm Drainage

- 4.10 ADC 12.530 says the review body will approve a development request only where adequate provisions for storm and flood water runoff have been made as determined by the City Engineer.
- 4.11 ADC 12.550 requires that a culvert or other drainage facility shall be large enough to accommodate potential runoff from its entire upstream drainage area, whether inside or outside of the development. The City Engineer must review and approve the necessary size of the facility, based on the provisions of the Storm Drainage Master Plans, sound engineering principles, and assuming conditions of maximum potential watershed development permitted by the Comprehensive Plan.
- 4.12 The City's utility maps show a 21-inch public storm drainage main in Hill Street; a 24-inch main in 34th Avenue; and 24-inch and 18-inch mains within the northeast corner of the property.
- 4.13 A development will be approved only where adequate provisions for storm and flood water runoff have been made, as determined by the City Engineer. Roof drains shall be discharged to a collection system approved by the City Engineer and/or the Building Official. Also, no storm water may be discharged to the public sanitary sewer system (ADC 12.530).

- 4.14 The "Utility Layout" shows that new public storm drainage facilities will be constructed at the intersection of the new 36th Avenue and Hill Street. These facilities will drain 36th Avenue and connect to the existing storm drainage main in Hill Street.

New storm drainage facilities will be constructed in the new Tudor Way and at the intersection Tudor Way and 35th Court. These facilities will drain into the existing storm drainage main that runs through the northeast corner of the property.

#### Easements

- 4.15 The property where the subdivision is proposed is part of the Rodgersdale Addition subdivision. The plat for the Rodgersdale Addition subdivision included the dedication of public street rights-of-way and utility easements. Other public utility easements have been granted over the years for utilities that have been installed within the property boundaries.

The City approved the vacation of the street rights-of-way in 1965 (Ordinance No. 3225), but maintained public utility easements over all of those areas that were platted as streets.

The applicants propose to eliminate (through vacation or quit claim) many of the public utility easements that exist on the property that are not needed for the public facilities in the new subdivision. The new subdivision plat will dedicate public rights-of-way and public utility easements where needed for streets and utilities as laid out on the plat for the new subdivision.

#### Erosion Control

- 4.16 ADC 12.585 requires that a National Pollution Discharge Elimination System (NPDES) permit for subdivision construction be obtained from the Oregon Department of Environmental Quality (DEQ). In addition, the City requires that, prior to beginning any excavation or fill on the site, the applicant must submit an erosion control/prevention plan to the City of Albany Engineering Division for review and approval.

#### CONCLUSIONS

- 4.1 The "Utility Layout" submitted with the tentative plat shows how public sanitary sewer, water service, and storm drainage can be provided to the proposed subdivision.
- 4.2 The public sanitary sewer, water, and storm drainage systems in this area have the capacity to provide service for the proposed subdivision.
- 4.3 The improvements shown on the Utility Layout must be constructed generally as shown. Final design details are reviewed by the City's Engineering Division at the time construction drawings are reviewed.
- 4.4 Existing easements for public utilities will be eliminated and new easements will be provided.
- 4.5 An NPDES permit must be obtained, and City requirements for erosion control, must be met at the time construction of the subdivision begins.
- 4.6 This review criterion will be met when the following conditions are met.

#### CONDITIONS

- 4.1 Before the City will approve the final subdivision plat, the property owner/developer must construct public sanitary sewer, water, and storm drainage system improvements to serve the proposed subdivision, generally as shown on the Tentative Plat that was submitted. Utility line extensions must be constructed

such that all proposed lots in the subdivision will have direct access to, and/or separate service from each public utility.

- 4.2 Before the City will approve the final subdivision plat, the existing public utility easements that lie within the property boundaries, and will not be required for utilities in the proposed subdivision, must be eliminated. The property owner/developer must identify all public utility easements on the property that are proposed to be eliminated. The property owner/developer must also provide to the City all information that is necessary for processing the elimination of the easements.
  - 4.3 Obtain a Permit for Private Construction of Public Improvements from the City's Engineering Division to build all required public improvements. Final design details (such as manhole locations, lateral locations, pipe size and grade, etc.) for required public improvements must be reviewed and approved by the City's Engineering Division.
  - 4.4 The property owner/developer may provide an improvement assurance that guarantees the required public improvements will be made. The improvement assurance must be in accordance with the requirements of ADC 12.590-12.610. The City will sign the final plat when the improvements are made, or when the improvement assurance is provided and all other conditions of approval are met.
  - 4.5 An NPDES permit must be obtained, and City requirements for erosion control must be met, at the time construction of the subdivision begins.
- (5) *Any special features of this site (such as topography, floodplains, wetlands, vegetation, historic sites, etc.) have been adequately considered and utilized.*

#### FINDINGS OF FACT

- 5.1 Topography: *Comprehensive Plan Plate 7: Slopes*, does not show steep slopes on the property. Contours on a proposed subdivision plat submitted concurrent with the Zoning Map application show that the elevation of the property is generally about 225 to 226 feet. There is a ditch in the northwest corner of the property that drops to about 223 feet. There is also a higher place on the property in the same corner near the property where the credit union is located that is about 228 feet.
- 5.2 Floodplains: *Comprehensive Plan Plate 5: Floodplains*, does not show a floodplain on this property. FEMA/FIRM Community Panel No. 410137 0006F, dated July 7, 1999, shows the property is in Zone X, an area determined to be outside any 500-year floodplain.
- 5.3 Wetlands: *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the property. The U.S Department of Interior, Fish and Wildlife Service National Wetlands Inventory Map shows that a large area of the property has wetlands on it.

The applicants submitted a "Wetland Map" with the applications. The map was done by Udell Engineering and Surveying. The map is dated October 16, 2005. The map shows that there are about 3.9 acres of wetlands on the property.

In findings submitted with the application, the applicants say, "The property owner has applied for a permit for development activities in wetlands from the Division of State Lands (DSL) and Army Corps of Engineers (ACE). Measures necessary to mitigate any impacts to the wetlands will be determined through the permitting process. No development activity will be permitted on the site until a permit is issued. All development activity will be in compliance with the permit conditions. The applicant is proposing to mitigate wetlands impacts off-site."

- 5.4 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 mostly grass and weeds on it.

5.5 Historic District: *Comprehensive Plan Plate 9: Historic Districts*, shows the property is not in an historic district.

5.6 Buffering and Screening: ADC 9.210 says, "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 property owner of each proposed development is responsible for the installation and maintenance of such buffers and screens. The Director may waive the buffering/screening requirements of this section where such has been provided on the adjoining property in conformance with this Code... Where a proposed use abuts undeveloped property, only one half of the buffer width shall be required."

The buffer matrix shows that 10-foot-wide buffer area is required between proposed single-family houses and commercial developments. There is a commercial development (a credit union) at the northwest corner of the proposed subdivision. The subdivision will abut the east and south boundary of the commercial property. A tract in the subdivision will be created along the east boundary of the subdivision, so single-family houses will not abut the commercial property. Subdivision lots will abut the southern boundary of the commercial property. The commercial property has provided a 5-foot-wide buffer with landscaping. The subdivision lots along this boundary have been made five feet wider than other lots in the subdivision so that the additional 5-foot-wide buffer area is provided. The required buffer landscaping has been provided on the commercial property.

## CONCLUSIONS

5.1 There are no floodplains, slopes, or significant natural vegetation on the property. The property is not in a historic district.

5.2 There are wetlands on the property. The property owner has applied for a permit for development activities in wetlands from the Division of State Lands (DSL) and Army Corps of Engineers (ACE). Measures necessary to mitigate any impacts to the wetlands will be determined through the permitting process. No development activity will be permitted on the site until a permit is issued.

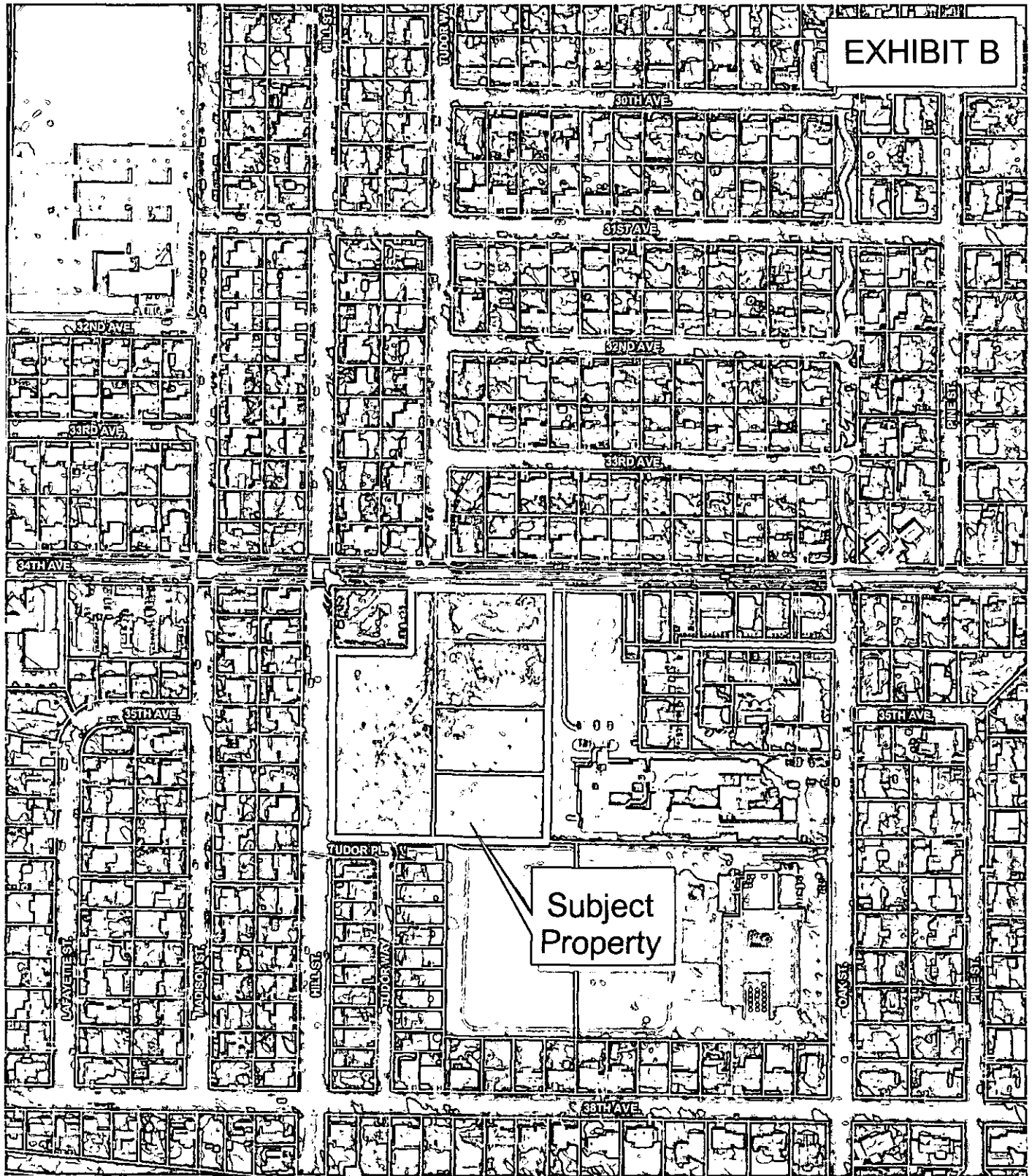
5.3 No buffer area is required between the west boundary of the subdivision and the abutting commercial property because a tract in the subdivision will be created so that no single-family houses abut the commercial property. The commercial property has provided a five-foot wide buffer with landscaping along the south boundary of commercial property. An additional five feet has been provided with the subdivision lots that abut the south boundary of the commercial property. No additional landscaping is required because it has been provided on the commercial property. People who own the subdivision lots can plant additional landscaping.

5.4 This review criterion will be met when the following condition is met.

## CONDITION

5.1 There are wetlands on this property. Permits from the Oregon Department of State Lands (DSL) and/or the U.S. Army Corps of Engineers will be required before the wetlands are disturbed. The property owner/developer must provide to the City's Planning Division evidence that DSL and/or the Corps of Engineers have issued permits before the wetlands are disturbed.

EXHIBIT B



Subject Property

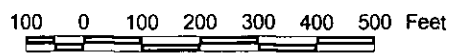
### CP-04-05, ZC-03-05, and SD-17-05 Vicinity Map



## WSS Properties LLC

Planning

July 5, 2006



The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing 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.



WSS PROPERTIES LLC  
CITY OF ALBANY FILES CP-04-05, ZC-03-05

WSS LEGAL

An area of land in the Southeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon being more particularly described as follows:

Beginning at a 2" iron pipe being the Northeast corner of Hillcreek Addition, point also being on the centerline of vacated 36<sup>th</sup> Avenue as dedicated on Rogerdale Addition in Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South 88°55'47" West 271.96 feet along said centerline of vacated street to the existing East right-of-way of Hill Street; thence North 01°16'30" West along said right-of-way 439.88 feet to a point; thence leaving said right-of-way North 88°55'19" East 183.16 feet to a 5/8" iron rod; thence North 01°16'04" West 149.96 feet to a 5/8" iron rod on the existing South right-of-way of 34<sup>th</sup> Avenue; thence along said 34<sup>th</sup> Avenue North 88°56'15" East 323.29 feet to a point on the East line of Lot 3 Block 18 of Rogersdale addition; thence South 01°34'33" East 589.86 feet to a point marking the centerline of vacated 36<sup>th</sup> Avenue; thence South 88°55'47" West 237.61 feet to the point of beginning.

ZONED RS-6.5

34TH AVE

(73)

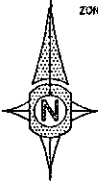
LOT LAYOUT  
TENTATIVE SUBDIVISION

# HILL STREET SUBDIVISION

SW 1/4 SEC. 17, T. 11 S., R. 3 W., W.M.  
CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 15, 2005

ZONED RM-5

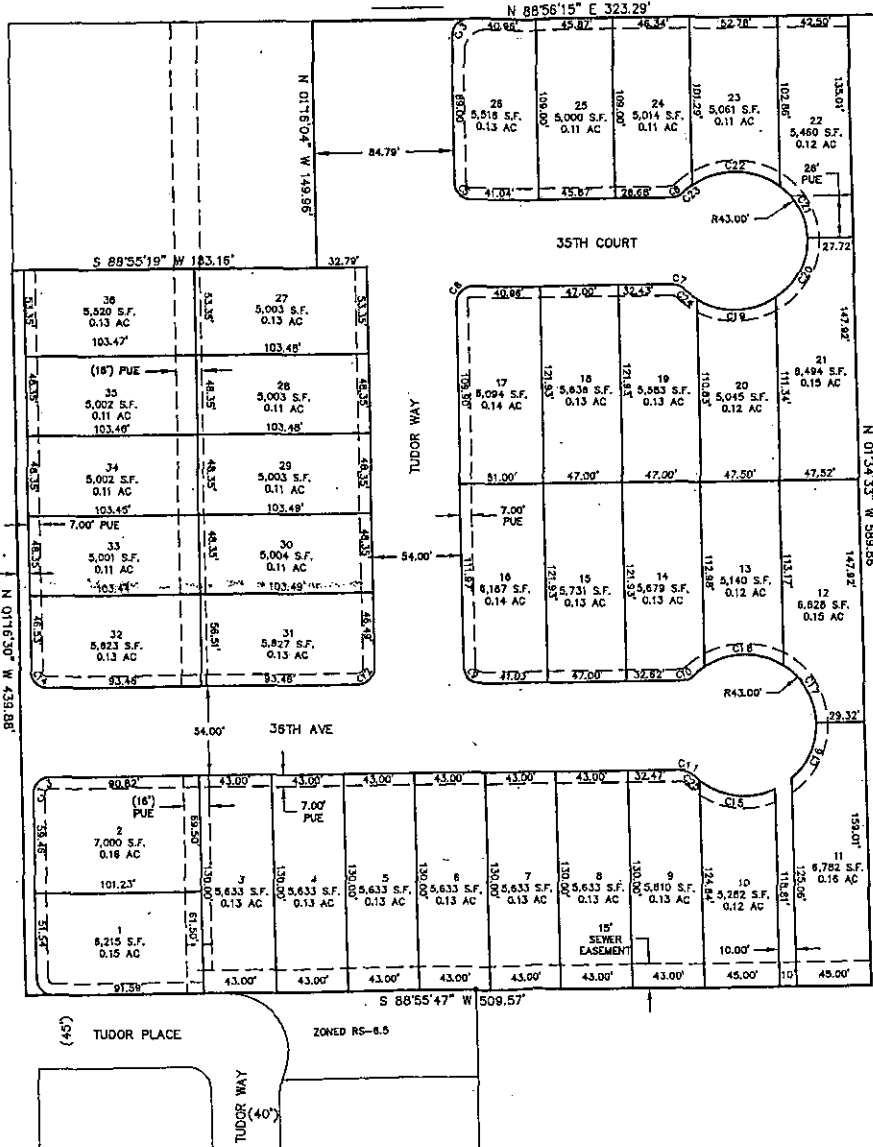


RECEIVED  
DEC 7 2005

ZONED RS-6.5

7.00' R/W DEDICATION

HILL STREET  
(73)



### LEGEND

- R/W RIGHT-OF-WAY
- S.F. SQUARE FEET
- AC ACRES
- EX EXISTING
- WTR WATER
- SS SANITARY SEWER
- SD STORM DRAIN
- MH MAN HOLE
- CI CURB INLET
- PUE PUBLIC UTILITY EASEMENT

### NOTE

1. LOTS 22-26 TO ACCESS 35TH COURT. ACCESS TO 34TH AVE IS PROHIBITED.
2. NO VEHICULAR ACCESS TO CUL-DE-SAC BULB FOR LOTS 9, 14, 19, AND 24.

### OWNER / DEVELOPER

WISS PROPERTIES  
201 FIRST AVE W STE B  
ALBANY OR 97321

### SURVEYOR / ENGINEER

UDELL ENGINEERING & SURVEYING  
63 EAST ASH STREET  
LEBANON OR 97355

### PROPERTY INFORMATION

MAP: 11S-3W-10DD  
TAX LOT: 400, 500, 600, 800, 900

ZONED: RS-5

4.66 ACRES NET  
1.59 ACRES (69,326 S.F.) DEDICATION TO PUBLIC  
6.23 ACRES GROSS  
AVERAGE LOT SIZE 5,597 S.F.  
SMALLEST LOT 5,000 S.F.  
LARGEST LOT 7,000 S.F.  
36 SINGLE FAMILY LOTS

CURVE TABLE				
CURVE	RADIUS	DELTA	ARC	CHORD
C3	10.00'	90°12'19"	15.74	S43°50'06"W 14.17'
C5	10.00'	89°47'41"	15.67	S46°09'54"E 14.12'
C6	10.00'	45°43'27"	7.98	N66°04'32"E 7.77'
C7	10.00'	45°43'27"	7.98	N68°12'01"W 7.77'
C8	10.00'	90°12'19"	15.74	S43°50'06"W 14.17'
C9	10.00'	89°48'10"	15.67	S48°10'08"E 14.12'
C10	10.00'	45°43'27"	7.98	N66°04'03"E 7.77'
C11	10.00'	45°43'27"	7.98	N68°12'30"W 7.77'
C12	10.00'	90°11'50"	15.74	N43°48'52"E 14.17'
C13	10.00'	90°12'17"	15.74	S43°48'39"W 14.17'
C14	10.00'	89°47'43"	15.67	S46°10'21"E 14.12'
C15	43.00'	63°49'00"	47.89	S63°27'00"E 45.46'
C16	43.00'	51°20'41"	38.53	N23°16'14"E 37.26'
C17	43.00'	54°54'10"	41.20	N28°51'12"E 39.65'
C18	43.00'	67°03'20"	50.32	S89°10'03"W 47.50'
C19	43.00'	67°03'20"	50.32	N88°17'51"E 47.50'
C20	43.00'	57°08'49"	42.90	N26°11'16"E 41.14'
C21	43.00'	49°05'14"	36.84	N26°56'15"W 35.72'
C22	43.00'	75°45'56"	56.86	N89°21'50"W 52.91'
C23	43.00'	9°32'23"	7.16	S47°59'00"W 7.16'
C24	43.00'	12°50'12"	9.63	S51°48'23"E 9.61'
C25	43.00'	6°11'44"	4.65	S48°26'38"E 4.65'

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FAX (541) 451-1366

SURVEYOR  
13066

(45) TUDOR PLACE

TUDOR WAY (40')

ZONED RS-6.5

S 88°55'47" W 509.57'