

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, CONCLUSIONS AND CONDITIONS, AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 4212 SANTIAM HIGHWAY SE.

WHEREAS, the Albany Planning Commission recommended approval of the proposed map amendments following a public hearing on October 20, 2003, for City of Albany File Nos. CP-01-03 and ZC-01-03; and

WHEREAS, the Albany City Council held public hearings on these same applications on November 12, 2003, December 22, 2003, and October 25, 2006; and read the ordinance once at the November 15, 2006 Council meeting.

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

Section 1: The Findings of Fact, Conclusions of Law, and Conditions attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the property shown on Exhibit "B" is hereby amended from Urban Residential Reserve to General Commercial.

Section 3: The Zoning Map designation of the property shown on Exhibit "B" is hereby amended from RS-6.5 (Residential Single Family) to RC (Regional Commercial).

Section 4: The property affected by the Comprehensive Plan and Zoning amendments contains approximately 4.7 acres of property already designated as commercial and approximately 12.1 acres of property currently designated as residential. The current split designations are shown on Exhibit "B." A legal description for the entire 16.8 acre parcel is attached as Exhibit "C." The effect of these Comprehensive Plan and Zoning amendments shall make the entire property described in Exhibit "C" General Commercial (Plan) and Regional Commercial (Zoning).

Section 5: 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 Recorder of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 6: 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.

Section 7: Inasmuch as this ordinance is necessary for the immediate preservation of peace, health, and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

ATTEST:

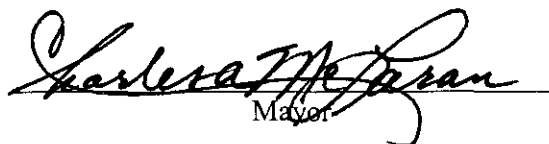


City Clerk

Passed by Council: November 29, 2006

Approved by Mayor: November 29, 2006

Effective Date: November 29, 2006



Mayor

**CITY OF ALBANY FILES CP-01-03 AND ZC-01-03
FINDINGS OF FACT, CONCLUSIONS OF LAW AND CONDITIONS
Adopted by the City Council on November 15, 2006**

DESCRIPTION OF THE APPLICATIONS

V. Ropp Investments owns 16.8 acres of property on the south side of Santiam Highway, between Timber Street and Goldfish Farm Road. The property is one parcel. The northerly 4.7 acres of property is designated General Commercial on the Comprehensive Plan Map and RC (Regional Commercial) on the Zoning Map. The southerly 12.1 acres is designated URR (Urban Residential Reserve) on the Comprehensive Plan Map and RS-6.5 (Residential Single Family) on the Zoning Map. The property is vacant land.

The first application is for a Comprehensive Plan Map amendment that would change the map designation of the 12.1 acres of land referenced above from URR (Urban Residential Reserve) to General Commercial. The second application is for a Zoning Map amendment that would change the map designation of the same 12.1 acres from RS-6.5 (Residential Single Family) to RC (Regional Commercial).

HISTORY OF THE APPLICATIONS

The Ropp property was annexed to the City of Albany in 2002. Voters approved the annexation in May 2002. The resolution annexing the property was adopted by the City Council in June 2002.

The northerly 4.7 acres were designated General Commercial on the Comprehensive Plan Map at the time the property was annexed. The 4.7 acres were zoned CC (Community Commercial) with annexation. The zoning of the 4.7 acres was changed by the City Council in February 2003 to RC (Regional Commercial) as part of the Periodic Review Goal 9 project relating to commercial and industrial lands.

The southerly 12.1 acres were designated on the Comprehensive Plan Map as Low Density Residential at the time the property was annexed. The 12.1 acres were zoned RS-6.5 (Residential Single Family) with annexation.

V. Ropp Investments and the City of Albany signed an annexation agreement before the property was annexed. The agreement says, "it is anticipated that the Property Owner may request a change in the Comprehensive Plan and zoning designations at some time in the future" (Annexation Agreement, page 3).

The applications before the City Council now were first submitted to the City's Planning Division by V. Ropp Investments on May 12, 2003. A public hearing before the Planning Commission was held on October 20, 2003. The Planning Commission recommended the City Council approve the applications.

The City Council held a public hearing on the applications on November 12, 2003. They left the record open for 21 days. They voted to "table" the applications on December 22, 2003. The City Council reaffirmed the decision to table the applications on January 26, 2004. The City Council found that they could not approve the applications because commercial development on the property would cause traffic congestion that apparently could not be mitigated.

Effective November 1, 2005, V. Ropp Investments assigned the applications to 558733 British Columbia LTD. On July 3, 2006; July 19, 2006; August 18, 2006; and in October 2006, 558733 British Columbia LTD submitted new information intended to supplement that original applications.

STATEMENT REGARDING NEW INFORMATION

The staff report for these applications first went to the City Council on November 12, 2003. The City Council left the record open for 21 days. A substantial amount of new information was submitted during the 21 days the record was left open. The record from the previous proceedings was attached to Supplemental Findings written by staff that went to the City Council for the October 25, 2006 public hearing.

The applications have changed since the original City Council hearings were held. The response to how traffic from commercial development on the property will be addressed has changed. A traffic study submitted with the original application identified a significant impact on the transportation system. The new applicants propose a limitation or cap on the number of new vehicle trips (hereafter the "trip cap") that will be allowed for commercial development on the property. The trip cap will limit the impact of changing the map designations of the property and allowing the additional 12.1 acres of the Ropp property to be included in a commercial development.

The applicants provided the following explanation about how to consider all of the information in the record: "To the extent that factual information contained in these supplemental materials conflicts with the information provided via the initial application submittal in 2003, the more recent information provided herein should be deemed to be more accurate" (cover letter from Shawn Fujiki to Don Donovan, dated June 30, 2006). Specifically, the applicant has requested that the traffic study submitted with the original application be replaced by the trip generation analysis and proposed trip cap contained in the technical memoranda submitted by Kittelson & Associates identified as Items 4, 7 and 9 in the list of supplemental materials in the following section.

NEW INFORMATION SUBMITTED BY THE APPLICANT

The new information submitted by the applicant includes:

1. Supplemental Application Narrative
2. Memorandum written by E.D. Hovee & Company LLC, dated June 6, 2006
3. Letter of Authority that authorizes 558733 British Columbia Ltd. to act on behalf of Coastal Farm Real Estate
4. Memorandum from Kittelson & Associates, Inc. to Ron Irish (the City's Transportation Analyst), dated July 19, 2006
5. Letter from Robert LeFeber to Don Donovan, dated October 5, 2006
6. Proposed Trip Cap Condition submitted by applicant
7. Technical Memorandum from Kittelson & Associates, Inc., dated October 10, 2006
8. Declaration of Covenants and Restrictions, prepared by Mark Whitlow, Perkins Coie
9. Technical Memorandum done by Kittelson & Associates, Inc., dated October 10, 2006

OTHER NEW INFORMATION

10. Memorandum from Jeni Richardson and Ron Irish to the Ropp application file, dated October 4, 2004
11. Letter from Oregon Department of Land Conservation and Development (DLCD) to Don Donovan, City of Albany, dated August 29, 2006

12. Letter from Oregon Department of Transportation (ODOT) to Don Donovan, City of Albany, dated September 29, 2006

INFORMATION SUBMITTED AT THE OCTOBER 25, 2006 PUBLIC HEARING

13. Email from John DeTar, ODOT, to Don Donovan, dated October 25, 2006
14. Email/Letter from Glenda Fleming to Mayor and City Councilors, dated October 25, 2006, with letter dated August 13, 2003 attached

PROCEDURAL STATUS

As required by the relevant sections of Albany Municipal Code, Title 20, the Albany Development Code (hereafter, the "Albany Development Code" or "ADC") and Zoning Map, the applications have been reviewed under Type IV procedures. Specifically, ADC 2.210 requires Type IV procedures for quasi-judicial amendments to the Comprehensive Plan, and ADC 2.530 requires that zoning map amendments will be reviewed through Type IV procedures, both as outlined in ADC 1.370.

Applications for post-acknowledgement plan amendments coupled with applications for zone changes are not subject to the provisions of ORS 227.178 and, accordingly, the applications may be supplemented and brought back before the City Council for a continuation of the December 22, 2003 public hearing when the matter was tabled.

Since the application anticipated the approval of a trip cap covering property which extends beyond the boundaries of the property subject to the applications, a broader public notice was mailed to owners of property within 300 feet of the outer boundaries of such other properties. Even though not subject to the provisions of ORS 197.763 otherwise applicable to the first evidentiary hearing, the public notice was mailed more than 20 days in advance of the public hearing conducted on October 25, 2006. A copy of the public notice and the list of property owners to whom the notice was sent is attached as Attachment A and incorporated by reference and made a part of these findings.

The Mayor opened the public hearing with all members of the City Council in attendance. The Mayor asked for disclosure of ex-parte contacts and none were revealed. The Mayor asked for challenges to the jurisdiction of the City Council and no party objected.

The Mayor opened the public hearing for the applicant, followed by supporters, followed by opponents, followed by persons wishing to speak from a position of neutrality, followed by rebuttal from the applicant. No party requested that the public hearing be continued or the written record be held open.

The Mayor closed the public hearing and, following deliberations by the City Council, upon motion made and duly seconded for tentative approval of the applications, with conditions, the City Council tentatively approved the applications by a vote of 4-2. The Mayor directed that the applicant propose findings and conditions for review by the City staff and adoption by the City Council at a later date.

OVERVIEW OF THE SUPPLEMENTED APPLICATIONS

The main difference between the original applications and the supplemented applications is that the approach to addressing traffic is different. As referenced below, the supplemented applications include a proposal from the applicant to place a "trip cap" on the number of vehicle trips that can be generated by future development. As above stated, the trip cap was proposed by the applicant to apply to the property that is subject to the applications and, in addition, to other, adjacent property. Specifically, the trip cap

will apply to the other portion of the Ropp property that is currently zoned RC and, in addition, to the adjacent property currently owned by Coastal Farm, which other property is also currently zoned RC. The total area of land to be included in the trip cap is identified in the map identified as Attachment A to the memorandum of October 18, 2006 from Don Donovan, Planning Manager, to the Albany City Council and also attached to these findings as Attachment B.

The trip cap would limit the number of vehicle trips that could be generated by new development on the properties to the number of trips that could be generated by development on the properties with their current Comprehensive Plan Map and Zoning Map designations. The idea is that, with the map amendments and the trip cap, the potential for increased traffic would be no different than it is for those properties with their current plan map and zoning map designations. As discussed below, the trip cap is deemed to satisfy the applicable provisions of Oregon's Transportation Planning Rule (TPR), the relevant transportation approval criteria for amendments to the Comprehensive Plan Map and Zoning Map under ADC Sections 2.220 and 2.550. Following adoption of the trip cap, a traffic study will be required with any applications for subsequent Site Plan Review under the ADC when development is proposed on any of the property subject to the trip cap. Any such traffic study will quantify the traffic impact of the development and identify what improvements to the transportation system will be required to mitigate the impact of the proposed development. The conditions of approval adopted as part of this decision have been agreed to by ODOT require that the trip cap be applied to the subject properties pursuant to a restrictive covenant and, further, detail the requirements for the subsequent traffic study or studies to be performed in conjunction with subsequent applications for Site Plan Review.

COMPLIANCE WITH APPLICABLE APPROVAL CRITERIA

Comprehensive Plan Map Amendment Criteria

1. *A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant areas plans adopted by the City Council.*

Findings of Fact:

- 1.1 The proposed map amendment application is a quasi-judicial application, not a legislative amendment.

Conclusion:

- 1.1 This review criterion is not applicable.

2. *A legislative amendment is needed to meet changing conditions or new laws.*

Findings of Fact:

- 2.1 The proposed map amendment application is a quasi-judicial application, not a legislative amendment.

Conclusion:

- 2.1 This review criterion is not applicable.

3. *The requested designation for a quasi-judicial map amendment meets all of the following tests:*
- a) *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:

Criterion 3(a) is addressed by reviewing the relevant Comprehensive Plan policies.

Goal 2: Land Use Planning – Updating and Amending the Comprehensive Plan

Goal: To Undertake Periodic 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 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.*

Findings of Fact:

3.a.1 The discussion under this review criterion addresses how this application conforms with the goals and policies of the Plan.

- b) *Citizen review and comment.*

Findings of Fact

3.a.2 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. A sign 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 sign.

- c) *Applicable Statewide Planning Goals.*

Findings of Fact:

3.a.3 The discussion under Review Criterion 3(d) addresses how this application conforms with the applicable Statewide Planning Goals.

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

Findings of Fact:

- 3.a.4 Santiam Highway is a state highway (Highway 20). The Oregon Department of Transportation (ODOT) was notified of the applications and there were frequent discussions about the application among the applicant, ODOT staff, City staff, and the applicant's traffic consultant.
- 3.a.5 The Oregon Department of Land Conservation and Development (DLCD) was notified of the proposed map amendments. DLCD wrote a letter that expressed concerns about the applications. Information was provided by the applicant and City staff that addresses DLCD's concerns. The information is included in the Supplemental Findings written by City staff that went to the City Council for the October 25, 2006 public hearing. Representatives of DLCD did not testify at the hearing.
- 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.*

Findings of Fact:

- 3.a.6 The short-term and long-term impacts of the proposed change, the public need for the change, and other available alternatives are discussed in the findings below.

Goal 9: Economy – Economic Development

Economic Development

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

Findings of Fact:

- 3.a.7 The proposed General Commercial designation and associated Regional Commercial zoning will provide the opportunity to attract a wider range of commercial businesses, and additional establishments that may otherwise not locate in this City to service the City and region.
- 3.a.8 The Regional Commercial zone is "...intended primarily for developments that serve the wider Albany region" and "...is typically appropriate for developments that require large sites near Interstate 5" [Albany Development Code (ADC), page 4-1]. "Large" is not defined in the Comprehensive Plan, or ADC; however, in particular, other RC sites located near Interstate 5 such as Home Depot (12.47 acres); Costco (15.87 acres) are single use/user developments that require a parcel in excess of the Subject Site 12.1 acres behind the existing zoned 4.5 acres on the Property.
- 3.a.9 Albany is the region's main commercial provider (Comprehensive Plan, page 3-6). Its role should be maintained and enhanced. It is acknowledged in the Comprehensive Plan that Albany has become "the main economic driver for Linn County and is an important component of the larger regional economy" (Comprehensive Plan, page 3-6).

- 3.a.10 Employment growth in Retail Trade is projected to be outpaced by only the Services sector over the next 20 years (Comprehensive Plan, page 3-7). Additional commercial land to accommodate new businesses will help to achieve this projection.
- 3.a.11 Albany's regional role is supported by its location along Highway I-5. The Subject Site is located approximately ½ mile from Interstate 5, on the south side of State Highway 20.

Conclusion:

The proposed amendment is in keeping with Goal 1 of Goal 9 – Economy by further enhancing Albany's regional prominence as a higher order place of commerce, satisfied both by the location of the Subject Site and proposed land use designation. As asserted in the Comprehensive Plan, "Albany's location and transportation facilities provide excellent advantages for commerce and economic development" (page 5-1). The proposed amendment to Regional Commercial logically builds on the natural locational advantages of being along and close to the transportation facilities such as Highways I-5 and 20.

Goal 5: Strive for a balance of growth in jobs and housing for Albany and the region.

Findings of Fact:

- 3.a.12 The Comprehensive Plan does not explicitly indicate what an appropriate balance of growth in jobs and housing is throughout the City, or in any particular local area. However, commercially-zoned land provides job opportunities for residents and satisfies Goal 1 of Goal 9 – Economy above. Also, as will be discussed in Goal 10 – Housing, redesignation of 12.1 acres of low-density residential land will not undermine the City's ability to provide enough land to meet the future demand for housing in 2025.

Conclusion:

The proposed amendment is in keeping with Goal 5 of Goal 9 – Economy by providing commercial opportunities for residents in Albany and within the region. A balance of jobs and housing can also be found geographically within a City, and providing higher order Commercial land just east of I-5 assists in the balance to complement the current and projected robust potential growth in housing in East Albany within the City limits and accounting for developable land in the UGB. The Comprehensive Plan states, "Some of the land designated for residential uses (Urban Residential Reserve) outside the City limits will likely be needed for future commercial uses" (page 4-4). This proposal strives to utilize land already within the City limits to satisfy demand for commercial uses today and into the future.

Goal 9: Economy – Land Use

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.

Findings of Fact:

- 3.a.13 The *Albany Economic Opportunities Analysis* (EOA) completed by ECONorthwest in February 2002 shows that there is 325.1 acres of commercial land available for development or redevelopment in the UGB to satisfy the 20-year demand forecast. Within that 20-year horizon, ECONorthwest forecasts demand for Commercial land to be 75.7 acres. There is a surplus of

249.4 acres (EOA page 3-9). As of 2002, there was approximately 270 acres of commercial land available to meet the future demand. The remaining 55 acres to total 325 acres overall is located outside the City limits (EOA, page 4-4).

The relative reported oversupply is subject to the important caveat 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).

The EOA finds that there are ten vacant or redevelopable commercial parcels larger than five acres in the UGB. (EOA, Table 3-10, page 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 zoning designation does not exist any more. It is likely that the zoning of the Heavy Commercial parcels was changed to Light Industrial, because the uses allowed in Heavy Commercial were closer to the uses allowed in Light Industrial zones, than the other commercial zones. A Regional Commercial zone has been added since the EOA inventory was done. The zoning of some existing CC parcels was changed to RC. No new commercial parcels were designated RC. A new Mixed Use Commercial zone was added and new MUC parcels were designated. The EOA inventory is out-of-date.

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. 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 new inventory of buildable commercial land cannot be used to support the decision on the map amendment application, but it is referenced here as a “reality check” on how the EOA numbers compare to the new, more up to date, inventory.

- 3.a.14 The City’s inventory identifies approximately 155 acres of vacant commercially-zoned land. The City’s inventory finds only three parcels larger than ten acres. Two of the parcels are in Mixed Use Commercial (MUC) zoning districts, where the size of building footprints is limited to 20,000 square feet, except when a grocery store occupies part of the building. If a grocery store occupies at least 50 percent of the building, the building may be up to 80,000 square feet. The only commercial property larger than ten acres that does not have this limit is the Epping property (also known as the “piano property”) on Pacific Boulevard near 53rd Avenue (zone RC).
- 3.a.15 The City’s inventory identifies 69 acres of (re)developable RC land, or supply. The EOA forecasted 75 acres of commercial land required to meet demand.

In support of this application, the applicant has submitted a memorandum written by E.D. Hovee & Company LLC dated June 6, 2006 (the "Hovee Report") that concluded up to 78 acres of commercial land would be required to recapture sales leakage, or demand over only a five-year horizon [a copy of the Hovee Report is attached to the October 18, 2006 memorandum from Don Donovan, Planning Manager, to the Albany City Council (Exhibit B) and is hereby incorporated by reference into and made a part of these findings]. Of the 69 acres identified in the RC land supply, the 4.5-acre portion of the Property under application, and an additional 9.2-acre property

adjacent to the Subject site are included, and will become part of the development concept, if approved.

- 3.a.16 The Hovee Report demonstrates that the development of an incremental additional 12.1 acres as part of an assembled 25.8-acre property will satisfy only 33 percent of the near term (five-year), or immediate, demand for commercial space – “thereby minimizing the risk of adversely affecting existing Albany area retail businesses” (page 11). A five-year sales growth forecast to estimate future demand over and above current demand pressures is a conservative view that underestimates the long term commercial needs over a City’s planning horizon, but serves to further emphasize the immediate need for viable commercial land opportunities for the community (page 8).
- 3.a.17 Development of a subsequently assembled 25.8-acre (16.6 + 9.2 acres) property zoned RC will not preclude the development of the other two RC zoned sites. The immediate demand exists, given the correct tenant interest, enticements, and geography, to develop the Piano and Knox Butte properties (Hovee Report, page 10 and 11).
- 3.a.18 The regional commercial designation of the additional 12.1 acres (Subject Site) will create an assembled parcel that is “large enough and appropriately located to attract national and regional retail tenants not yet in the Linn-Benton market...” (Hovee Report, page 11).
- 3.a.19 A full range of commercial opportunities to improve the economic well-being of Albany must correspondingly provide enough appropriately-sized parcels to accommodate a variety of uses. Policy 3 of Goal 9 – Land Use of the Comprehensive Plan states that the City will “designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs” (page 3-15). Regional Commercial destinations require larger tracts of land. Examples in the City currently range between 12 to 25 acres (i.e., Costco, Home Depot, Heritage Mall, Fred Meyer).
- 3.a.20 Policy 1 of Goal 9 – Land Use of the Comprehensive Plan states that the “the size and type of future commercial sites should be proportional to the areas 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” (page 3-16). The Albany Development Code defines RC districts as “...primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for development that require large site near Interstate 5” (page 4-1). The Subject Site and overall Property is located near I-5 (approximately ½ mile), along a major arterial – Highway 20.

The Hovee Report identifies the regional trade area as the Linn-Benton counties combined. This definition of the regional area is consistent with the City’s discussion within its Comprehensive Plan (Goal 9), the EOA, and its actual geographic straddling of both counties’ jurisdictional boundaries.

- 3.a.21 Generally accepted rules of thumb for regional commercial developments is that it requires a population base of over 150,000 people, which is in keeping with the current population of Linn/Benton counties – and is consistent in the City’s conclusion that Albany is the main economic component of the regional economy (Comprehensive Plan, page 3-6). Second, regional scale developments range from 300,000 – 900,000 square feet (Hovee Report, page 5). If the 9.2-acre property is combined with the Property to develop a comprehensive development, a typical building potential will be approximately 300,000 square feet.

Conclusion:

The City is relatively deficient in supplying an adequate supply of commercial land in a range of sizes (single parcel or assemblage) that is conducive to attracting a wide range of regional scale uses. For the purposes of this discussion, additional development constraints, such as environmental, are ignored to focus solely on the gross size of zoned parcels – only two other RC zoned sites exist other than the potential assemblage of the Property in this application combined with the 9.2 acres adjacent to it.

The Hovee Report concludes that by rezoning the additional 12.1 acres to create a 25.8-acre assembled property, it will become the only large property that can best meet the demand for regional commercial opportunities. The assembled site is smaller than the Piano property, but located closer to high traffic and high exposure regional roads. The assembled site is larger than the Knox Butte site, which is more conducive to attracting more than a single-use/user operation. Both sites are located relatively well – close to an I-5 interchange. Developing the subsequent assembled property, of which the 12.1 acres is a component, will not inhibit the eventual potential development of the currently RC zoned larger properties. The relative lack of commercial parcels greater than five acres, may promote future requests to change adjacent uses even for NC or CC applications to accommodate smaller scale developments.

Goal 2: Achieve stable land-use growth that results in a desirable and efficient land-use pattern.

Findings of Fact:

3.a.22 The entire site is 16.62 acres (Property). The northern 4.5 acres of the Property is zoned RC. The remaining 12.1 acres comprising the complete depth of the property extending to the south is zoned RS-6.5. Redesignating and rezoning the 12.1-acre residential component will create a 16.62-acre property with a southern property line that matches the adjacent RC zoned 9.2-acre property. Several properties to the west and north (across Highway 20) are also zoned RC, but are shallower depth than the 16.62-acre property.

Part of the property that abuts the Ropp property to the south is zoned RM-3 (Residential Multiple Family). The property is developed with a residential single-family subdivision. About six lots in the subdivision abut the Ropp property. The rest of the property along the south boundary of the Ropp property is currently outside the city limits, but inside the Urban Growth Boundary (UGB). This property is designated URR (Urban Residential Reserve) on the Comprehensive Plan Map.

3.a.23 City Policy (Commercial) 2 of Goal 9 – Land Use of the Comprehensive Plan states, “Discourage future strip commercial development and promote clustered opportunities and the infilling of existing commercial areas that will foster:

- a) Efficient and safe utilization of transportation facilities.
- b) A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores with auto use.
- c) Compatibility between land uses, particularly adjacent residential neighborhoods.
- d) Efficient extension of public facilities and services.” (page 3-16)

By extending the depth of the Property, the potential to construct a comprehensive commercial development greatly increases. Added property depth along Highway 20 decreases the propensity for strip commercial development. The portions of the west, north, and east sides

adjacent to the site are already zoned RC. A low-density residential development abuts the southern property line.

3.a.24 At the October 25, 2006 public hearing, residents from the Coastal Crossings subdivision, which abuts the subject property on the south, expressed concern about commercial development next to the subdivision. Kyle Moselle, Dan Howell, and Frank Mone said they believe the property is better used for residential development. They like the pond on the property and think it would be an amenity for a residential development. Mr. Howell and Mr. Mone also expressed concern about traffic. As discussed below, the Council finds that the property is better suited for regional commercial development subject to the standards of the ADC.

3.a.25 ADC Section 4.050 and ADC 2.630 require Site Plan Review for commercial development. ADC 2.650(5) (one of the Site Plan Review Criteria) requires that “the design and operating characteristics of the proposed development are reasonably compatible with surrounding development and land uses, and any negative impacts have been sufficiently minimized.”

Among other requirements, ADC 9.210 – 9.250 include standards for “buffering and screening.” The proposed map amendment would place new General Commercial property adjacent to RM-3 and URR property to south. ADC 9.210 says that, “In order to reduce the impacts on adjacent uses which are of a different type, buffering and screening is required in accordance with the matrix that follows.”

The matrix shows that a ten-foot-wide buffer area and screening is required between commercial uses and residential uses. Buffering consists of a row of trees with the area between the trees landscaped with shrubs and ground cover. Screening consists of a fence, wall, or hedge.

3.a.26 Ed Wright testified that he thinks, even if the property is developed with a residential use, the pond will be filled. He also thinks the Coastal Farm property is too narrow to be developed with a commercial use the way it is. If it is added to the Ropp property, it becomes a more square property which would allow development. Mr. Wright said he owns most of the property across Santiam Highway and thinks the subject property is an eyesore. If it stays residential it won't be developed.

3.a.27 Gloria Olson testified that she thinks a park should be located in this neighborhood. She also expressed concern about traffic.

Conclusion:

The Council finds that the pond on the property is likely to be filled whether the Subject Site is developed with residential or commercial uses. The applicant provided information from a geotechnical engineer with the applications that shows it is feasible to fill the pond. The City's Parks & Recreation Master Plan does not show the need for a park at this location.

The ADC requires Site Plan Review for commercial development. Review of a site plan for a commercial development on the property includes a review criterion that requires the development to be reasonably compatible with surrounding uses and that any negative impacts be minimized. Buffering and screening between commercial development and residential development is required. These code provisions provide the mechanism by which the review body can require that commercial development on the subject property be compatible with the residential development to the south.

Regional Commercial zoning on the Subject Site is in keeping with the land uses to the north, east, and west and is reflective of its proximity to higher order transportation infrastructure. It is in keeping with the intent of the land use pattern reflected in the predominant adjacent zoning of properties. The dimensions of the Property are consistent with that of neighboring lands with identical RC zoning. Efficient land-use is a function of compatibility with neighboring lands and use of existing infrastructure. Commercial uses located adjacent to, or within proximity, to residential areas are an efficient use of land for the transportation network, are complementary to the residential, and in this case, can act to buffer the residential from Highway 20. Regional Commercial is best suited in this location for reasons described above and discussed herein.

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

Findings of Fact:

- 3.a.28 City Policy 7 of Goal 9 – Land Use of the Comprehensive Plan states, “Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses” (page 3-15). The site is located within the City limits. It is a vacated borrow pit that was used to extract gravel. Services are available to the property line along Highway 20, or Goldfish Farm Road if the 9.2-acre parcel is included in the development concept.
- 3.a.29 The Subject Site is part of only three areas in the City limits and UGB that are vacant and designated for regional commercial uses. It is only of only two located near Highway I-5.
- 3.a.30 City Policy (Commercial) 2 of Goal 9 – Land Use of the Comprehensive Plan states, “Discourage regional shopping centers outside the Albany Urban Growth Boundary areas that primarily target the Albany market area” (page 3-16). The Subject Site is located inside the Albany UGB and City limits.

Conclusion:

By proposing to develop land within the City limits, this application is in keeping with efficient use of services and infrastructure. The historic use of the site (gravel quarry), and its location the adjacent to the RC zoned site (9.2-acre old log pond), represents proper redevelopment of land along a significant transportation corridor. The designation of new commercial land is an infill opportunity and the extension and formalization of a substandard commercial node – not the creation of a new one.

Goal 10: Housing

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.

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

Findings of Fact:

- 3.a.31 The proposed Comprehensive Plan Map amendment application will change the map designation of 12.1 acres of land from Urban Residential Reserve to General Commercial. A concurrent application for the same land proposes to change the Zoning Map designation from RS-6.5 (Residential Single Family) to RC (Regional Commercial). In total, 12.1 acres would be removed from the City's inventory for residential land.
- 3.a.32 The Comprehensive Plan indicates that 5,720 new housing units will be needed by 2025 to satisfy demand (page 4-3). The development capacity of the developable land within the City limits is 8,400 units – an additional 6,850 units are possible on developable land within the UGB. Therefore, "...there is enough land within the City limits to meet this demand" (page 4-2).
- 3.a.33 Of the 5,720 new housing units needed, the Comprehensive Plan forecasts that 1,100 of these units will be needed within the RS-6.5 Zone (page 4-3). The equivalent of approximately 275 acres are needed to facilitate the 1,100 units – approximately 688 acres are available to meet demand (page 4-4). Therefore, there is more than enough land to accommodate future demand for units permitted and envisioned in this Zone. *The removal of 12.1 acres of land from the 688 acres available is only 0.02 percent of the land supply.* If aggregated to all Low Density Residential zones, there is an 800 acre surplus within the City Limits "to accommodate projected growth for those housing types and price ranges to 2025" (page 4-4).
- 3.a.34 The location of the RS-6.5 Zone is contiguous with only one other RS-6.5 Zone – otherwise it is surrounded by Regional Commercial zoned lands or land currently requiring annexation into the City that is designated as Urban Residential Reserve. Several services would technically be available through the frontage of the Property which is zoned RC. The services are within the Highway 20 right of way.

Conclusion:

Redesignating 12.1 acres of RS-6.5 will not compromise the intent of the Comprehensive Plan to ensure an adequate supply of residentially zoned land in this respective Zone. The Subject Site is serviceable; however, as indicated, there is a large supply of land available within the City limits, and it can be deduced that some degree of services is available to these lands within the City limits. Also, services upgrades are a fact of development that could occur on any proposal. The availability of services on the Subject Site makes it, therefore, a neutral variable or one that is not significant enough to consider the site to be more developable than another RS-6.5 site.

As demonstrated in the Hovee Report, the existing demand for commercial is supportive of this application and other future additional commercial land uses. The future development of residential within in the City Limits, and even more so if the UGB lands are factored in, will create additional demand for commercial services. A very nominal reduction in the residential land supply converted to commercial will help Albany "strive for a balance of growth in jobs and housing for Albany and the region" (Comprehensive Plan, page 3-10 – Goal 5 of Goal 9 – Economy).

The above findings are also corroborated by the supplemental findings and conditions on page 4 (Demand for Commercial Land in Albany) referenced as Attachment B to the October 18, 2006 memorandum from Don Donovan, Planning Manager, to the Albany City Council, which memorandum with Attachment B, is hereby incorporated by reference into and made a part of these findings. By further reference to Attachment B, the comments on page 10 regarding the staff's response to the DLCD letter dated August 29, 2006 regarding Goal 9 are also hereby incorporated and adopted by reference into these findings.

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.*

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

- a) *Develop access control measure and encourage land development patterns that minimized direct access onto collector and arterial roads.*
- d) *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 character.*

Findings of Fact:

- 3.a.35 John DeTar of ODOT and Glenda Fleming submitted emails to City staff and to the City Council for the October 25, 2006 public hearing. The concerns expressed in those emails are addressed in the findings below.
- 3.a.36 The Property has frontage along Highway 20, although the portion of the Property that is the subject of this Comprehensive plan amendment and rezoning does not have frontage on any street. The intent is to incorporate Subject Site with the remaining northern portion of the Property, and the adjacent 9.2-acre property, which would provide frontage on Highway 20 and Goldfish Farm Road. It is anticipated that the main access to the site will be provided via Goldfish Farm Road, and ultimately to Highway 20 at the existing signalized intersection of Highway 20/Goldfish Farm Road. This supports the City policy as well as ODOT access spacing standards.
- 3.a.37 The proposed land use amendment from RS-6.5 to RC will not result in a significant impact to the transportation system. This is achieved by incorporating the residual lands zoned RC on the Property, and the adjacent 9.2-acre property zoned RC into the analysis. While the total acreage of zoned RC land will increase, the proposal by the applicant is to agree to limit the total weekday p.m. peak hour trips to the estimated traffic volume that could be generated by the existing RC and RS-6.5 zoning combined. The result is that there will be no net increase over the existing potential of build out of the existing land uses. This rationale is also realistic because the applicant can assemble and develop the lands mentioned above comprehensively, and builds upon the City's goal to avoid piecemeal strip commercial development.
- 3.a.38 As part of the proposed map amendment request, the application complies with OAR 660-012-0060 (1) that states "where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (3) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ration, etc.) of the facility." This application will not significantly affect the existing or planned transportation system.
- 3.a.39 The applicant submitted a technical memorandum done by Kittelson & Associates, Inc., dated October 10, 2006. This memorandum summarizes information provided in Kittelson's July 19,

2006 memorandum, and concludes that "the trip cap establishes that this proposed development (the hypothetical development described in the July 19, 2006 memo) will not result in a 'significant affect' on the transportation system." ODOT has submitted a letter supporting the trip cap, a copy of which is identified as Exhibit K to the October 18, 2006 memorandum from Don Donovan, Planning Manager, to the Albany City Council. Based upon the above, the Kittelson trip generation letter of July 19, 2006, as supplemented by the Kittelson letter of October 10, 2006, together with the supportive ODOT letter of September 29, 2006, demonstrates that the current trip generation resulting from the land use entitlements on the 25.8-acre assembled properties is equal to that of the trip generation resulting from the proposed land use entitlement on the 12.1 acres (Subject Site) combined with the remaining 13.7 acres of RC zoned land surrounding it.

- 3.a.40 Both the City and ODOT agree that a trip generation study is sufficient to satisfy OAR 660-012-0060 in demonstrating "no significant impact" (see ODOT letter of September 29, 2006). Both agencies acknowledge, as does the applicant, that a Traffic Impact Study (TIA) will be required at the time of Site Plan Review application in accordance with ADC 2.650(1) using the City's Traffic Impact Study Guidelines. The scope of the TIA and necessity of any off-site transportation mitigation measures will be identified via a traffic study as approved by the City and ODOT at time of development. A TIA is a condition of approval of the proposed map amendments.
- 3.a.41 As approved, the subsequent commercial development will conform to a trip cap that translates to the same traffic generation as the existing combined RS-6.5 and RC zoning on the assembled lands. Equating development square footage of residential and/or commercial to traffic generation is a standard practice used by Traffic Engineers to scientifically estimate traffic generation.
- 3.a.42 At the October 25, 2006 public hearing City Councilor Ralph Reid asked about the possibility of requiring the developer to do counts of the actual volume of traffic that is generated by commercial development on the property when the development is complete, and requiring additional mitigation of traffic impact if the volume exceeded what was estimated using ITE rates. City Attorney Jim Delapoer explained that a traffic count on a particular day might not be representative of the longer term volume of traffic that is actually generated by a particular development. The City does not use actual traffic counts for any other proposed development. Using the ITE estimate of traffic generation, the City takes a risk that a particular development may generate more trips than the estimate, and the developer takes a risk that the development generates fewer trips but has to do traffic mitigation based on the ITE estimate. That fact was corroborated on the record by Mark Shepard, City Engineer, in response to questions by the Council at the time of the public hearing on October 25, 2006.

John DeTar also explained at the hearing that, at a particular point in time, a development may not generate the number of trips that will turn out to be the number that is generated in the long run. Factors such as economic cycles and competition influence the number of customers that visit a particular development.

The City Council concludes that, over the long run, the ITE estimates are the most reliable means of estimating traffic volume that will be generated by a particular development.

Conclusion:

The proposed *Comprehensive Plan Map* and rezoning amendment conforms to Goal 12: Transportation of the *Comprehensive Plan*. The no net impact of this proposal maintains the same *generation of traffic* under the current combined RS-6.5 and RC zoning as would be generated under all RC zoning with a trip cap as approved by the City. The findings hereby specifically adopt and incorporate by reference the portions of Attachment B to Don Donovan's October 18, 2006 memorandum to the Albany City Council including, without limitation, pages 4-10, in support of the City Council's findings and conclusions that the approval of the applications will not significantly affect an existing or planned transportation facility.

Conditions:

1. The *Comprehensive Plan Map* and *Zoning Map* amendments are approved subject to this condition. No development permits on the subject site will be applied for or approved until the restrictive covenant required by this condition is recorded in the deed records of Linn County, Oregon. The provisions of the restrictive covenant shall adopt the terms of this condition by reference, and shall run with the land, subject to the amendment or removal only by the City's subsequent amendment or modification of this condition of approval. The property subject to the restrictive covenant shall include the property subject to the *Comprehensive Plan Map* and *Zoning Map* amendments, the remainder of Tax Lot 200 and, in addition, the adjacent property to the east consisting of Tax Lots 2900 and 3000 on the Linn County Assessor's Map 11 3W 9D. This condition has been requested by the applicant with the written consent of all the current property owners to which the restrictive covenant will apply.

This condition shall limit traffic impacts from future development such that a maximum of 800 net new vehicle trips are generated by the proposed use or uses during the weekday p.m. peak hours (4:00 p.m. to 6:00 p.m.) as specifically provided in this condition, and the new trips shall be calculated for the weekday p.m. peak hour of adjacent street traffic based on the Institute of Traffic Engineers (ITE) Trip Generation Manual, Seventh Edition (2003). At the time of site plan review for any proposed use on the property subject to the restrictive covenant, the square footage of the proposed use or uses shall be limited such that the trip cap of 800 net new p.m. peak hour trips will not be exceeded.

2. A Traffic Impact Analysis (TIA) will be required during the City's Site Plan Review process at the time an actual development is proposed on the properties subject to the restrictive covenant. The TIA will serve to confirm compliance with the trip cap and to determine what improvements to the transportation system will be needed to mitigate traffic impact from the development in order to satisfy the City's Site Plan Review criteria.

All TIA's will rely solely upon ITE trip generation rates to identify the traffic impacts of a proposed use. The number of trips already used by the site shall not be computed using driveway vehicle counts. Vehicle counts at site driveways are not acceptable in determining the number of trips available for subsequent phases.

3. In the event that the parcels subject to the restrictive covenant develop in phases under separate land use applications, the number of trips approved during Site Plan Review will be based on a TIA prepared using ITE Trip Generation Rates for the existing development and all proposed development. The number of trips available for any phase will be determined by subtracting the number of trips authorized by all previous phases from the overall trip cap of 800 net PM peak hour trips.

3. *The requested designation for a quasi-judicial map amendment meets all of the following tests:*
b) *The requested designation is consistent with any relevant area plans adopted by the City Council.*

Findings of Fact:

- 3.b.1 “Area plans” means land use plans. The property where the map amendments are proposed is in the area covered by the East I-5 Vision. The City Council “accepted” the East I-5 Vision in 1995, but they did not “adopt” it.
- 3.b.2 The Vision shows the property where the map amendments are proposed as residential. The line was drawn to conform with existing zoning.
- 3.b.3 If the proposed Comprehensive Plan Map amendment is approved, the boundary of the commercial land will move about 700 feet south into the area shown in the Vision to be residential.
- 3.b.4 The property where the map amendments are proposed is in the area covered by the East I-5 Refinement Plan. The City Council “accepted” the East I-5 Refinement Plan, but they did not “adopt” it. The East I-5 Refinement Plan shows the designations of the property as they are today. Comprehensive Plan Map and Zoning Map amendments were made to implement the refinement plan. At the time the amendments were made, it was recognized that the Ropps would likely apply for changes later.

Conclusions

- 3.b.1 This review criterion is not applicable because there are no area plans that have been adopted by the City Council for the area where the Comprehensive Plan Map amendment is proposed.

3. *The requested designation for a quasi-judicial map amendment meets all of the following tests:*
c) *The requested designation is consistent with the Comprehensive Plan map pattern.*

Findings of Fact/Conclusion:

- 3.c.1 See the findings and conclusions above, beginning on page 9, under Economic Development, Goal 2 regarding “efficient land use pattern.” Those findings and conclusions are included here by reference.

3. *The requested designation for a quasi-judicial map amendment meets all of the following tests:*
d) *The requested designation is consistent with the Statewide Planning Goals.*

Findings of Fact:

The City of Albany’s Comprehensive Plan policies must be in conformance to the Statewide Planning Goals. As demonstrated above, the requested designation is consistent with the policies of the Comprehensive Plan – therefore the requested designation is consistent with the Statewide Goals listed below:

- i) Goal 9: Economic Development – 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 generally echoed in the Comprehensive Plan, OAR 660-015-0000(9)(3) calls for a Comprehensive Plan to provide for an adequate supply of sites with suitable sizes, types, and locations and service levels for commercial uses. Incremental expansion of well-located (close to main arterial routes, and growing residential component in East Albany) Regional Commercial lands provides an opportunity to efficiently meet the unmet demand in the near (and long) term.

- ii) Goal 10: Housing – To provide for the housing needs of citizens of the state.*

The basic important principle of providing for the housing needs of citizens remains intact with the redesignation of 12.1 acres of Residential to Commercial. City inventories and projections demonstrate that there is a large oversupply of RS-6.5 zoned land available to meet the long-term requirements of the City and its future citizens.

- iii) Goal 12: Transportation – To provide and encourage a safe, convenient and economic transportation system.*

As discussed under Review Criterion 3(a) above, the impact to the transportation system under a change in designation from Residential to Commercial is projected to not cause any more impact than anticipated under the current designation. This is achieved by utilizing the current commercial entitlements of the residual part of the Property, and the adjacent property within a comprehensive commercial development concept. Any mitigation necessary to facilitate construction of the buildings will be addressed and approved in accordance with the City review.

Conclusion:

The proposed designation is consistent with Statewide Planning Goals.

Zoning Map Amendment Criteria:

- 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 2.290-2.220.*

Findings of Fact:

- 1.1 The current Comprehensive Plan Map designation of the property is Low Density Residential.
- 1.2 The Plan Designation Zoning Matrix in the Comprehensive Plan (page 131) shows that the proposed RC zoning is not consistent with the Low Density Residential Comprehensive Plan Map designation of the property.
- 1.3 The Zoning Map Amendment cannot be approved unless the Comprehensive Plan Map designation is changed from Low Density Residential to General Commercial. The Low Density Residential designation does not allow RC zoning.

- 1.4 The applicants have applied to change the Comprehensive Plan Map designation from Low Density Residential to General Commercial.
- 1.5 RC zoning is consistent with the General Commercial designation of the property.

Conclusion:

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

Finding of Fact:

- 2.1 The applicant has provided findings and conclusions in support of the concurrent Comprehensive Plan Map amendment above in review criterion 3(a). The trip generation, as discussed with City of Albany and ODOT, will not result in any more trips under the new zoning as with the current zoning configuration. Any anticipated improvements required subject to a traffic study will be reviewed and approved by the City and ODOT at the time of site plan application. Specifically, the conditions of approval requiring a trip cap satisfy the transportation criterion of Code Section 2.550(2).

The trip cap limits the transportation impacts of the allowed land uses under the proposed plan and zoning designations to be no greater than the transportation impacts of the allowed uses under the current plan and zoning designations. The current plan and zoning designations have been acknowledged to have adequate existing or anticipated transportation facilities. In addition to satisfying the TPR, the trip cap assures "no significant effect" to the adequacy of those existing or anticipated transportation facilities in satisfaction of ADC Section 2.550(2).

Conclusion:

For the reasons stated above under review criterion 3(a), this criterion is met. In addition, the City Council hereby adopts and expressly incorporates by reference the portions of Attachment B to Don Donovan's October 18, 2006 memorandum to the Albany City Council and, specifically, without limitation, pages 4-10 thereof.

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

Findings of Fact:

- 3.1 Water: The City's utility maps show a 12-inch public water main in Santiam Highway, a 12-inch main in Timber Street, and a 24-inch main in Goldfish Farm Road.
- 3.2 The Albany Water Facility Plan shows that a 24-inch public water main will need to be constructed to run in an east-west direction likely within the collector road referenced in the

annexation agreement. It is anticipated that the 24-inch water main will be built at the time the property is developed. The property owner will be responsible for building the water line.

- 3.3 Commercial uses generally require less water than residential uses.
- 3.4 Sanitary Sewer: The City's utility maps show an 8-inch public sewer main on the south side of Santiam Highway to the northwest corner of the property, a 12-inch main on the north side of Santiam Highway, and a 10-inch main in Timber Street.
- 3.5 Commercial uses generally require less sewer capacity than residential uses.
- 3.6 Storm Drainage: The City's utility maps show that public storm drainage in the area of this property consists of open channels and ditches with culverts at road and driveway crossings.
- 3.7 The City's Storm Drainage Master Plan does not show deficiencies in the public system downstream of the property.
- 3.8 Commercial development typically produces more runoff than residential property because commercial development has larger areas of impervious surfaces.
- 3.9 Either residential or commercial development on this property will require a drainage study that shows how much runoff is anticipated and what measures will be taken to ensure that the public drainage system is not overburdened. These measures may take the form of on-site storm water detention that can be sized according to the specific needs of a development.
- 3.10 Schools: Commercial uses generally do not generate demand for schools.
- 3.11 Police and Fire Protection: At the time the City Council referred the proposed annexation of this property to the voters of Albany, The City Council found that:

“As the property is developed, incremental water system and public street network improvements will be required to ensure that adequate fire protection facilities are in place. There is a fire station near the intersection of Three Lakes Road and Spicer Road.

Because the subject property is contiguous to the city limits, and because nearby properties on all sides of this site are already served, police service to this property would be a logical extension of the current patrol boundaries.” (File AN-02-01, Staff Report, page 7)

Conclusion:

If the 24-inch water main shown in the City's Water Facility Plan to be constructed east/west across this property is built, adequate water service can be provided to this property. It is anticipated that the 24-inch water main will be built at the time the property is developed. The property owner will be responsible for building the water line.

Sanitary sewer service can be provided to this property by extending new mains from the existing main in Timber Street and from the existing main in Santiam Highway.

Storm drainage facilities are available to serve this property. The facilities can accommodate drainage from the property. Detention of storm water on the property may be required.

If the designation of this property is changed from residential to commercial, the demand for schools will decrease. There will be essentially no demand for schools if the property is designated for commercial development.

Police and fire protection can be provided to the property with existing services.

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.*

Findings of Fact:

- 4.1 Floodplains. *Comprehensive Plan Plate 5: Floodplains* shows an area of floodplain on this property in the vicinity of the “pond.” The pond is a borrow pit that has filled with water. FEMA/FIRM Community Panel 410136 0185 B, dated September 29, 1986 shows the property in Zone C, an area of minimal flooding (not in a 100-year floodplain).
- 4.2 Topography. *Comprehensive Plan Plate 7: Slopes* shows there are no steep slopes on this property. Contours on the City’s Geographic Information Services (GIS) maps show the elevations on the property vary from about 230 to 228. The property slopes generally from north to south.
- 4.3 Wetlands. *Comprehensive Plan Plate 6: Wetland Sites* does not show wetlands on this property. The East I-5 Local Wetlands Inventory shows the pond on the property as “waters of the state.” This indicates that the Oregon Division of State Lands (DSL) claims jurisdiction of the pond. However, in a letter from DSL to the V. Ropp Partnership, DSL says DSL does not claim jurisdiction. The pond is not a wetland.

The letter goes on to say that DSL does claim jurisdiction of “the drainageway on the southwest and western border of the property.”

- 4.4 Vegetation and Wildlife Habitat. *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat* does not show any areas of concern on the property. The property has rock, grass, and weeds on it.
- 4.5 Historic and Archaeological Sites. *Comprehensive Plan Plate 9: Historic Districts* shows the property is not in a historic district. There are no known archaeological sites on the property.

Conclusions:

- 4.1 The area of the property where the zone change is proposed does not have floodplains, steep slopes, significant vegetation or wildlife habitat on it. The property is not in a historic district and does not have known archaeological sites on it.
- 4.2 The property may have wetlands on it. A wetlands determination and delineation, if necessary, will be required when the property is developed, whether the development is residential or commercial.

4.3 This criterion is met because no unique natural features or special areas will be jeopardized as a result of the proposed rezoning from RS-6.5 to RC.

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

Findings of Fact:

5.1 The current designation of the property where the Zoning Map amendment is proposed is RS-6.5 (Residential Single Family). The proposed designation is RC.

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 RS-6.5 and RC Zoning Districts

5.3 ADC 3.010 says the intent of residential zones is to “...preserve land for housing. This ADC preserves the character of neighborhoods by providing seven zones with different density standards.”

5.4 ADC 3.020(3) says the purpose of RS-6.5 zoning districts is “...primarily for low density urban single family residential development.” The minimum lot size in RS-6.5 zoning districts is 6,500 square feet.

5.5 ADC 4.010 says the intent of commercial zones is “...to provide land for commercial, office and industrial uses. The differences among the zones, in the permitted uses and development standards, reflect the existing and potential intensities of commercial and industrial development.”

5.6 ADC 4.020(4) says the purpose of RC zoning districts is “...primarily for developments that serve the wider Albany region. RC allows a wide range of retail sales and service uses, and is typically appropriate for developments that require large sites near Interstate 5.”

Relevant Goals and Policies

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

Attachments: Notice of Public Hearing; Map

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COMMUNITY DEVELOPMENT DEPARTMENT

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Albany, OR 97321

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NOTICE OF PUBLIC HEARING

This public hearing was previously scheduled for October 11, 2006. The date has been changed from October 11 to October 25, 2006.

<u>HEARING BODY</u>	City Council
<u>HEARING DATE</u>	Wednesday, October 25, 2006
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF NOTICE:	October 5, 2006
FILES:	CP-01-03 and ZC-01-03
TYPES OF APPLICATIONS:	1) Comprehensive Plan Map Amendment that would change the map designation of 12.1 acres from URR (Urban Residential Reserve) to General Commercial. 2) Zoning Map Amendment that would change the map designation of the same 12.1 acres from RS-6.5 (Residential Single Family) to RC (Regional Commercial).
REVIEW BODY:	City Council
PROPERTY OWNER:	V. Ropp Investment Limited Partnership; 600 Marilyn Street NE; Albany, OR 97321
APPLICANTS:	558733 British Columbia LTD; 201-11120 Horseshoe Way; Richmond, BC, Canada V7A 5H7
APPLICANT REP:	Steven Pfeiffer; Perkins Coie LLP; 1120 N.W. Couch Street, Tenth Floor; Portland, OR 97209-4128
ADDRESS/LOCATION:	4212 Santiam Highway SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-3W-9D; Tax Lot 200 Linn County Assessor's Map No. 11S-3W-9D; Tax Lots 2900 and 3000
ZONING:	Currently zoned RS-6.5 (Residential Single Family)

The Planning Division has received the applications referenced above and has scheduled a public hearing before the City Council.

These applications were first submitted to the City's Planning Division on May 12, 2003. A public hearing before the Planning Commission was held on October 20, 2003. The Planning Commission recommended the City

Council approve the applications. The City Council held a public hearing on the applications on November 12, 2003. They left the record open for 21 days. They voted to "table" the applications on December 22, 2003. The City Council reaffirmed the decision to table the applications on January 26, 2004. The City Council found that they could not approve the applications because commercial development on the property would cause traffic congestion that apparently could not be mitigated. The current applicants propose a vehicle "trip cap" that would limit development on the property (and two adjacent properties already zoned RC) to vehicle trip generation not to exceed the number of p.m. peak hour trips that could be generated by development on those properties with the current Comprehensive Plan Map and Zoning Map designations.

We are mailing notice of this public hearing to property owners within 300 feet of the property where the map amendments are proposed and within 300 feet of the adjacent properties to which the trip cap will also apply, and also to anyone who participated in the City Council hearing in 2003. We invite your comments, either in writing prior to the day of the public hearing or in person at the hearing. Comments will be taken into account when the City Council makes a decision on these applications. Written comments received ten days prior to the hearing will be attached to the staff report.

A map that shows the location of the property for which the map amendments are proposed, and the adjacent properties to which the trip cap would apply is attached to this notice.

A copy of the application, all documents and evidence submitted by or on behalf of the applicant, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The staff report will be available at the Planning Division located in City Hall by 5:00 p.m. on October 18, 2006. A copy will be available later that week on at the City's Web site at the following link: www.cityofalbany.net/staffreports. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information, please contact Planning Manager Don Donovan at (541) 917-7561. Submit any written comments to the Planning Division; P.O. Box 490; Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

YOUR COMMENTS

All testimony and evidence must be directed toward the approval standards for these applications as listed in this notice. Failure to raise an issue by letter, or in person, before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the City Council an adequate opportunity to respond to each issue raised, precludes an appeal to the Land Use Board of Appeals based on that issue.

PUBLIC HEARING PROCEDURE

The public hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the Planning staff. Then the applicant will testify, followed by testimony by other people in support of the application. After the people who are in favor of the application are finished, testimony from opponents will begin. This will be followed by testimony from people who neither favor nor oppose the application. The applicant will then be given the opportunity for rebuttal. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision-makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPROVAL STANDARDS FOR THIS REQUEST

The Albany Development Code (ADC) includes the following review criteria that must be met for this application to be approved:

COMPREHENSIVE PLAN AMENDMENT (ADC 2.220)

- (1) The requested designation for a quasi-judicial map amendment meets all of the following tests:
 - (a) 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.
 - (b) The requested designation is consistent with any relevant area plans adopted by the City Council.
 - (c) The requested designation is consistent with the Comprehensive Plan map pattern.
 - (d) The requested designation is consistent with the Statewide Planning Goals.

ZONING MAP AMENDMENT (ADC 2.550)

- (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.
- (2) Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
- (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.
- (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.
- (5) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

The following Comprehensive Plan goals and policies are relevant to consideration of this application.

Goal 2: Land Use Planning - Updating and Amending the Comprehensive Plan.

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.
- b. Citizen review and comment
- c. Applicable Statewide Planning Goals
- d. Input from affected governmental units and other agencies
- 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.

Goal 9: Economy

Economic Development

- Goal 1: Diversify the economic base in the Albany area and strengthen the area's role as a regional economic center.
- Goal 5: Strive for a balance of growth in jobs and housing for Albany and the region.

Land Use

- 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.
- Goal 2: Achieve stable land-use growth that results in a desirable and efficient land-use pattern.

Policies - General

- Policy 1: Provide opportunities to develop the full range of commercial, industrial and professional services to meet the needs of Albany's residents and others.
- Policy 2: Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.
- Policy 3: Designate enough land in a variety of parcel sizes and locations to meet future employment and commercial needs.
- Policy 4: Provide development opportunities for large-scale industrial and commercial development and for people to live near activity centers, particularly their place of employment.
- Policy 7: Consider infill and redevelopment of already serviced vacant and underdeveloped land before designating additional land for industrial and commercial uses.

Policies - Commercial

- Policy 1: The size and type of future commercial sites should be proportional to the area to be served and located so as to be easily accessible by the service area. Approvals of commercial sites may be based on studies requested by the City that assess public need and impacts on competing commercial areas, traffic, and other public services.
- Policy 2: Discourage future strip commercial development and promote clustered commercial opportunities and the infilling of existing commercial areas that will foster:
 - a. Efficient and safe utilization of transportation facilities.
 - b. A variety of attractive and comfortable shopping opportunities that encourage shopping in a number of stores without auto use.
 - c. Compatibility between land uses, particularly adjacent residential neighborhoods.
 - d. Efficient extension of public facilities and services.

Policy 9: Discourage regional shopping centers outside the Albany Urban Growth Boundary area that primarily target the Albany market area.

Goal 10: Housing

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.

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.

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, bicycles, pedestrian, rail and air transportation.

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

- a. Coordinate the requirements of the various transportation types with each other and minimize operational and safety conflicts.
- b. Coordinate proposed projects with impacted agencies and businesses and applicable neighboring cities, county, state, and federal agencies.

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

- d. 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.

Supplemental: The City of Albany Transportation System Plan prepared by the City of Albany and consultants Kimley-Horn and Associates, dated June 1997, is adopted in its entirety as a supporting document to the Comprehensive Plan.

The following Statewide Planning Goals and their applicable implementing rules must be considered in reviewing the requested comprehensive plan map amendment:

Goal 2: Land Use Planning

Goal 9: Economic Development

Goal 10: Housing

Goal 11: Public Facilities and Services

Goal 12: Transportation

In addition to the review criteria above, Oregon Administrative Rules (OAR) 660-12-060(1) states that "amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility."

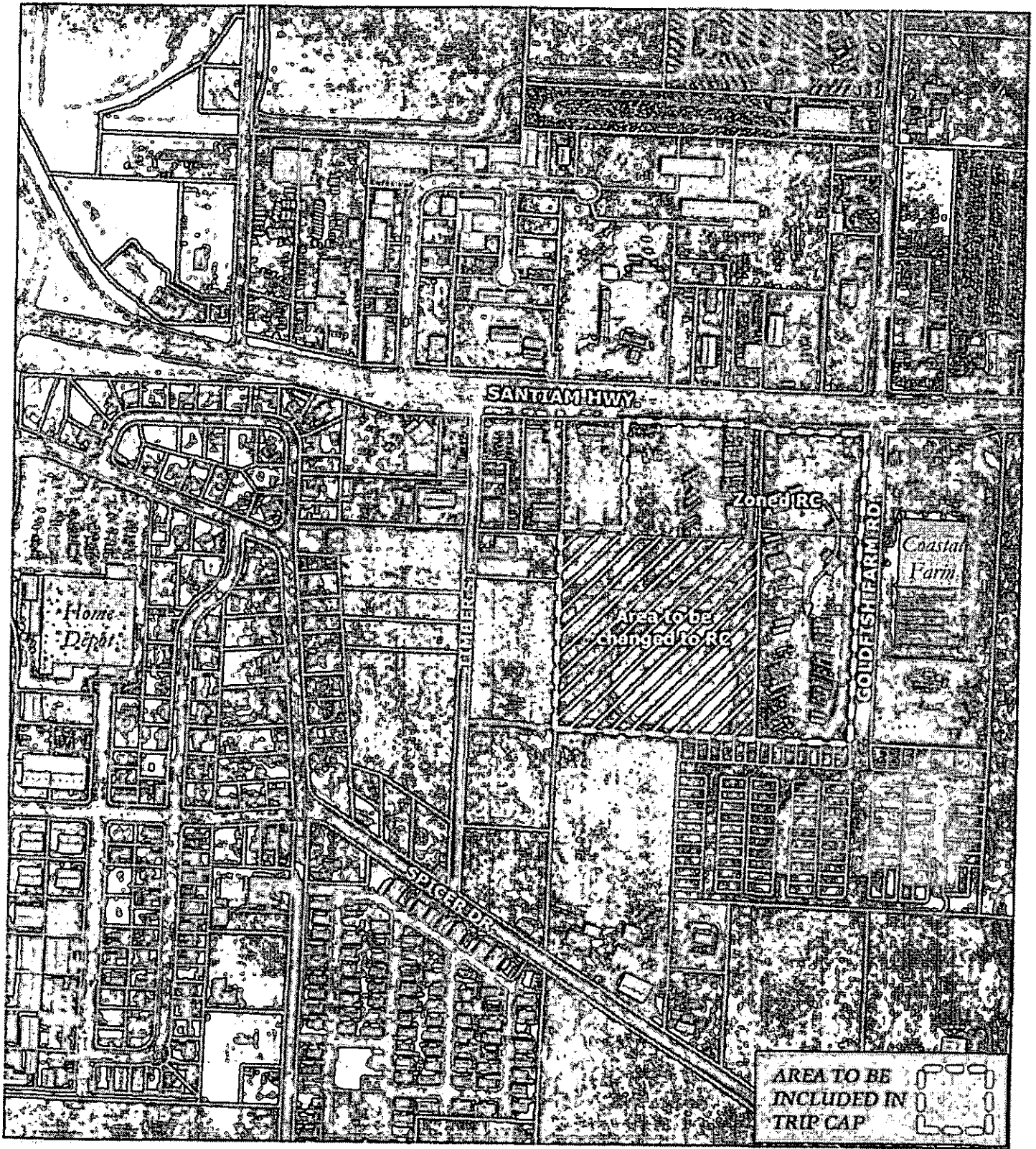
The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 917-7501.

Attachments: Location Map

Distribution

Property Owner/Applicant	1
Applicant Reps	2
Affected Property Owners	49
Files SD-09-06/SP-15-06	2
City Council	7

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Proposed Map Amendments (Ropp Property)



ZC-01-03; CP-01-03

0 300 600 900 Feet

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Sept. 22, 2006

The City of Albany's information systems and other documents have been prepared using various data sources. While every effort has been made to ensure the accuracy of the information presented, the City of Albany does not warrant the accuracy of the information presented. The information presented is for informational purposes only and should not be used for any other purpose. The City of Albany is not responsible for any errors or omissions in this document. The information presented is for informational purposes only and should not be used for any other purpose.



AFFIDAVIT OF MAILING BY CITY OF ALBANY STAFF

STATE OF OREGON)
City of Albany) ss

I do hereby certify that on the 5th day of October, 2006, I placed in the outgoing City of Albany mail 52 separate envelopes (list attached) to be picked up by a representative of Mid-Valley Presort, the City's mail service contractor. The contractor shall deliver to the Salem Post Office these envelopes containing a letter notifying affected property owners of a hearing on Comprehensive Plan Map and Zoning Map applications for property located at 4212 Santiam Highway SE. (Files CP-01-03 and ZC-01-03).

A copy of the notice is attached hereto. Said envelopes were addressed to persons owning property in the notification area affected by said application, such names and addresses provided by the County Assessor's records. Any failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirement of the Albany Development Code for notice.




Employee Signature

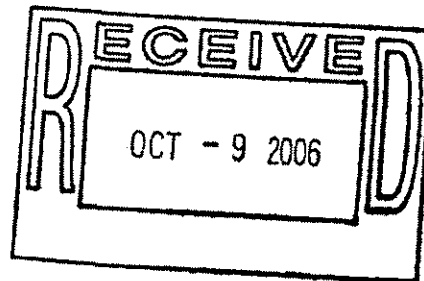


**AFFIDAVIT OF MAILING BY REPRESENTATIVE OF
MID-VALLEY PRESORT
1215 WILBUR STREET SE
SALEM, OR 97302**

STATE OF OREGON)
City of Albany) ss

I do hereby certify that on the 5th day of October, 2006, I picked up from the outgoing City of Albany mail 52 separate envelopes and caused to be delivered to the Salem Post Office these envelopes containing a letter notifying affected property owners of the information as stated above by the City of Albany staff.


Representative of Mid-Valley Presort



NOTICE OF PUBLIC HEARING
(FOR 10/25/06 CITY COUNCIL HEARING)
File Nos. CP-01-03 and ZC-01-03

V. ROPP INVESTMENT LIMITED
PARTNERSHIP
600 MARILYN STREET NE
ALBANY OR 97322

558733 BRITISH COLUMBIA LTD
201-11120 HORSESHOE WAY
RICHMOND, BC, CANADA V7A 5H7

STEVEN PFEIFFER
PERKINS COIE LLP
1120 N.W. COUCH STREET, TENTH FLOOR
PORTLAND OR 97209-4128

JIM JUST
FRIENDS OF LINN COUNTY
PO BOX 113
LEBANON OR 97355

GOAL ONE COALITION
39625 ALMEN DR
LEBANON OR 97355

JOHN PASCONE
AMEDC
PO BOX 548
ALBANY OR 97321

ED SCHULTZ
WEATHERFORD THOMPSON ET AL
PO BOX 667
ALBANY OR 97321

MARGUERITE NABETA
DLCD
1140 WILLAGILLESPIE RD, SUITE 13
EUGENE OR 97401

JOHN DETAR
ODOT
3700 SW PHILOMATH BLVD
CORVALLIS OR 97333

11S03W09D; 00100, 02900 & 3000
COASTAL FARM REAL ESTATE INC
PO BOX 99
ALBANY OR 97321

11S03W09A; 01400
CARSON ALBANY S/S LLC
C/O JOHN & MARLIS CARSON
740 NORTH SHORE RD
LAKE OSWEGO OR 97034

11S03W09A; 01000
KW INVESTMENTS LLC
C/O EDWARD A WRIGHT
3225 SANTIAM HWY SE
ALBANY OR 97322

11S03W09A; 01200, 01300, 01401 & 1437
GMVR LLC
R&L ENTERPRISES LLC
C/O EDWARD WRIGHT
3225 SANTIAM HWY SE
ALBANY OR 97322

11S03W09A; 01100
JULIE SANFORD
C/O HULAN & CAROL MILLER
35480 COLD SPRINGS RD
LEBANON OR 97355

11S03W09A; 01402
KIM, JERALDINE & CHRISTOPHER WOOD
C/O JEFF SOFICH
PO BOX 2815
LA PINE OR 97739-2815 (UPDATE 9/26/06)

11S03W09D; 00303 & 00900
WILLIAM ROGERS
PO BOX 1147
ALBANY OR 97321

11S03W09D; 00201
M&M RENTALS LLC
C/O CUMMINGS TRANSFER CO
3015 SALEM AVE SE
ALBANY OR 97321

11S03W09D; 00400 & 00600
WAVERLY LAND MANAGEMENT
C/O WILLAMETTE RECREATION INC
PO BOX 1147
ALBANY OR 97321

11S03W09DA; 05400
DAVID MACKENZIE
4300 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 05700
DAVID & BARBARA ANDERSON
1623 SE CENTER POINT DR
CORVALLIS OR 97333

11S03W09D; 00500
VFW LINN #584
4100 SANTIAM HWY SE
ALBANY OR 97322

11S03W09D; 00800
KEVIN & CAROLYN REDIGER
4145 SPICER DR SE
ALBANY OR 97322

1S03W09DA; 01600
PAUL FRENCH
3817 GOLDFISH FARM RD SE
ALBANY OR 97322

11S03W09DA; 0200, 01300, 03400 & 05100
KENNETH COE
7070 SW BAYLOR ST
PORTLAND OR 97223

11S03W09DA; 00100, 01000 & 01100
RICHARD BRANDVOLD
910 W D ST
LEBANON OR 97355

11S03W09DA; 00900
RUSSELL PICKETT
7070 SW BAYLOR ST
PORTLAND OR 97223

11S03W09DA; 00700
BRAD EDGERTON
10512 NW 14TH CT
VANCOUVER WA 98685

11S03W09DA; 03300
BRYON TAYLOR
4820 N 29TH ST
TACOMA WA 98407

11S03W09DA; 1400
CARSON KUTSCH
3805 GOLDFISH FARM RD SE
ALBANY OR 97322

11S03W09DA; 03500
WILLIAM & PATRICIA MOBERLY
3809 ORANDA ST SE
ALBANY OR 97322

11S03W09DA; 05600
KYLE & AMY MOSELLE
3813 RYUNKIN ST SE
ALBANY OR 97322

11S03W09DA; 01200, 03600 & 03700
PINE RIDGE DEVELOPMENT LLC
PO BOX 5547
SALEM OR 97304

11S03W09DA; 00800
MIYA DRURY & DANIEL HOWELL
4331 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 00600
GORDON KING
2085 COMMERCIAL ST NE
SALEM OR 97303

11S03W09DA; 00400
EDWARD THOMPSON JR
SHEILA GRAGG-THOMPSON
4355 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 03200
STEWART RENTALS LLC
PO BOX 5547
SALEM OR 97304

11S03W09DA; 00500
PAUL & KIMBERLY SHREVE
4349 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 00300
MARK & KAREN MCPHAIL
4361 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 03100
RIVER LOOP LLC
40504 FOX VALLEY RD
LYONS OR 97358

11S03W09DA; 05300
NGHIA LE BANG
3800 RYUNKIN ST SE
ALBANY OR 97322

11S03W09DA; 05500
CHESTER & ANDREA CHICQUAYE
3807 RYUNKIN ST SE
ALBANY OR 97322

11S03W10CB; 00200
EFFIE SCOTT
3813 CASTING ST SE
ALBANY OR 97322

11S03W09DA; 05200
FRANKLIN & KATHERINE MONE
3806 RYUNKIN ST SE
ALBANY OR 97322

11S03W10CB; 01900
JAMES & MARGARET PETTIT
4401 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 05000
JOHN & JEANETTE SMITH
4688 TREESIDE DR NE
SALEM OR 97305

11S03W10CB; 02000
SUCHET PANGLY
4405 MACKINAW AVE SE
ALBANY OR 97322

11S03W09DA; 01500
NORMAN & LYNN KELLOGG JR
3811 GOLDFISH FARM RD SE
ALBANY OR 97322

11S03W10CB; 02100
LEE & BRENDA ROBLES
4411 MACKINAW AVE SE
ALBANY OR 97322

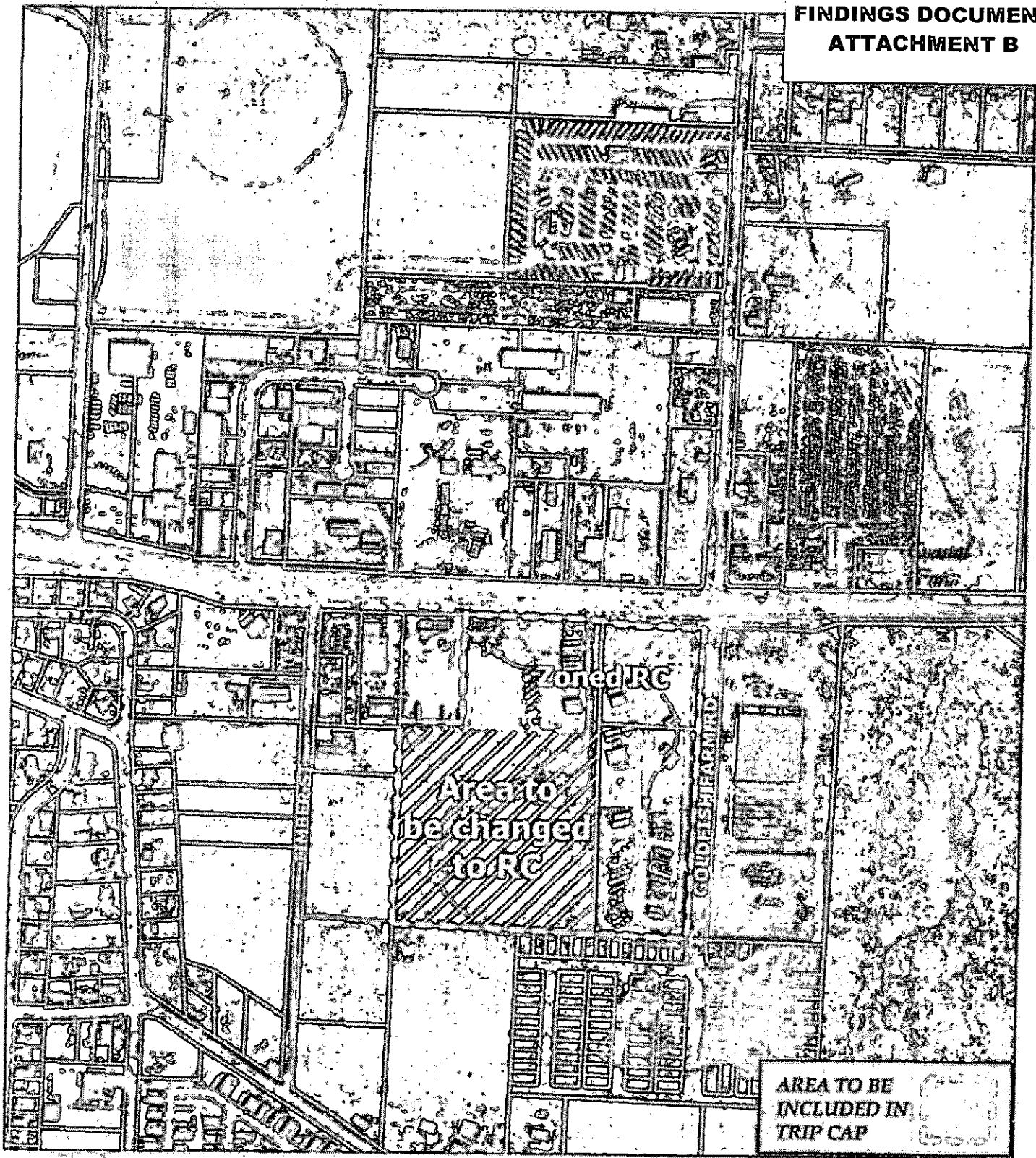
11S03W09DA; 03000
JOY JORGENSEN
3820 ORANDA ST SE
ALBANY OR 97322

11S03W10; 00500
JAMES & GAYLE HARING
PO BOX 38
ALBANY OR 97321

11S03W09DA; 01700
JANET & BARRY RUEBENSON
3823 GOLDFISH FARM RD SE
ALBANY OR 97322

11S03W10CB; 0100, 1600, 1800, 2200 & 2300
MONTEBELLO ESTATES I LLC
2495 W MARCH LN 100
STOCKTON CA 95207

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Properties Affected by Trip Cap



ZC-01-03; CP-01-03



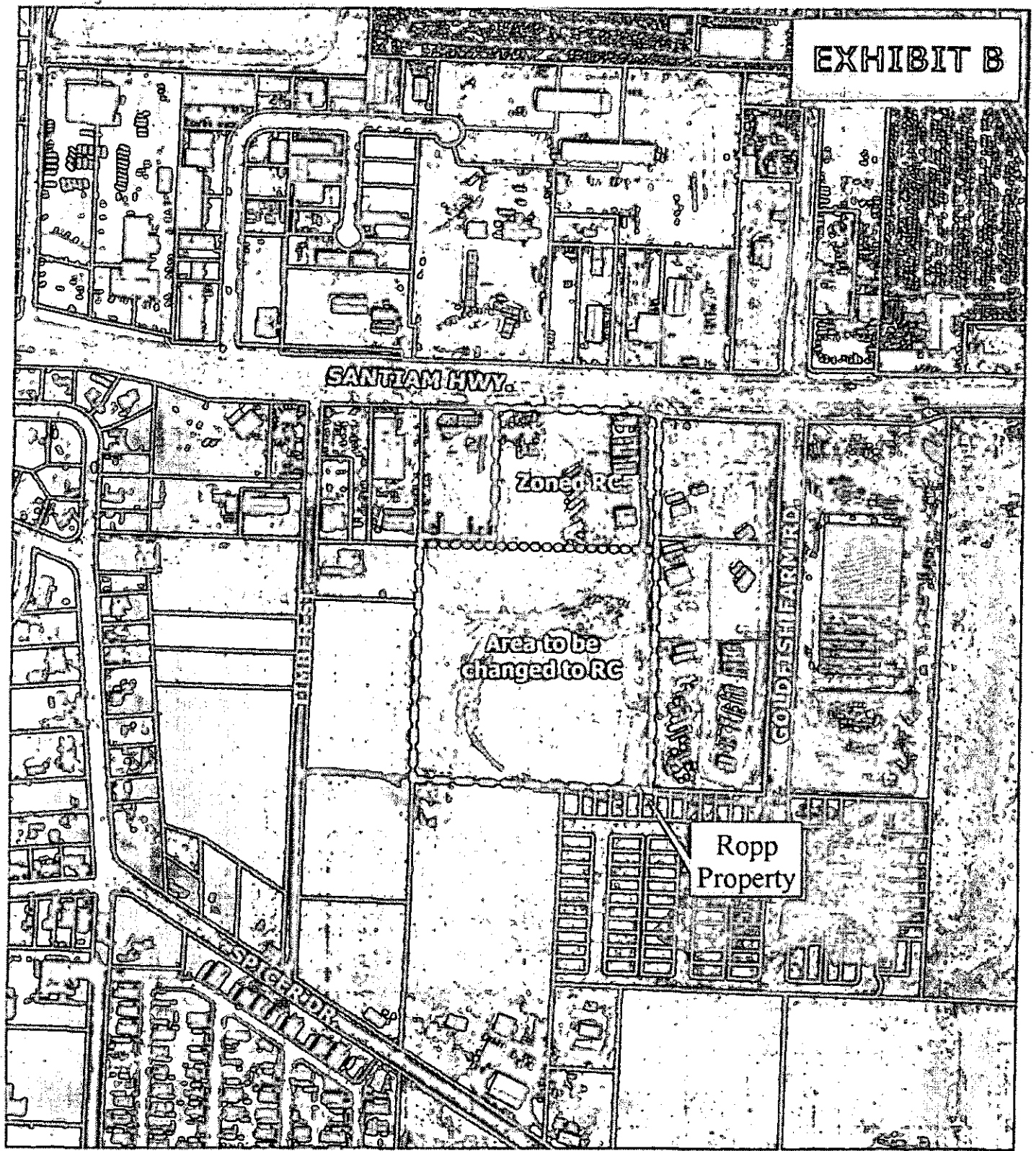
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Oct. 16, 2006

The City of Albany's maps, drawings, and other documents have been prepared and
 every endeavor using different standards for quality control, dissemination, and verification. All
 the information provided represents current information in a readily accessible format. While
 the information provided is generally believed to be accurate, occasionally the information shown
 is incorrect, and this is because it is not updated. This is especially true for property parcels to which
 measurements belong or part of a part used for information provided. It is specifically advised that you
 measurements have with the information contained within this report.



EXHIBIT B



Proposed Map Amendments (Ropp Property)



ZC-01-03; CP-01-03

0 500 Feet

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Oct 7, 2003

The City of Albany's infrastructure orders, drawings, and other documents have been prepared and were created using software programs for quality control, dissemination, and verification. All the information provided represents current information to a reasonably accurate degree. While the information provided is generally believed to be accurate, occasionally the information proved to be incorrect and that is accuracy is not warranted. Prior to making any property purchases or other transactions, please be sure to verify the information provided. It is specifically advised that you independently verify the information contained within our records.



EXHIBIT "C"
Legal Description

A parcel of land lying in the Edward White Donation Land Claim No. 48 and situated in Section 9, Township 11 South, Range 3 West, of the Willamette Meridian, in the County of Linn and State of Oregon, described as follows:

Beginning on the North boundary line of the Edward N. White Donation Land Claim No. 48 bearing West 29.23 chains (by prior record) from the Northeast corner of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian; thence South 1,242.50 feet (by prior record); thence West 708.64 feet (by prior record) to the West line of the West one-half of said Donation Land Claim No. 48; thence North 1,237.50 feet, more or less, to the said North line of Donation Land Claim No. 48; thence East along said North line of Donation Land Claim No. 48, a distance of 710.88 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to the State of Oregon, by and through its Department of Transportation, Highway Division by Warranty Deed recorded September 8, 1980, in Volume 270, Page 891, Linn County Deed Records.

FURTHER EXCEPTING THEREFROM the following described property:

Beginning at 5/8 inch iron rod on the Southerly right-of-way of U.S. Highway No. 20 bearing Westerly along the North line of the Edward N. White Donation Land Claim No. 48, in Township 11 South, Range 3 West, of the Willamette Meridian, in Sections 9 and 10, a distance of 2,640 feet and then South 1° 31' 50" East, 102.94 feet from the Northeast corner of said Donation Land Claim No. 48; thence North 89° 05' 46" East, 219.88 feet along Southerly right-of-way of said U.S. Highway No. 20 to a 5/8 inch iron rod; thence leaving Southerly line of said right-of-way South 1° 31' 50" East, 390.55 feet to a 5/8 inch rod; thence South 89° 05' 46" West, 219.88 feet to a 5/8 inch iron rod; thence North 1° 31' 50" West, 390.55 feet to the point of beginning.