

ORDINANCE NO. 5754

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; AND ADOPTING FINDINGS FOR CHANGING THE DESIGNATION AND ZONING OF PROPERTIES LOCATED AT 111 DAVIDSON STREET SE AND ON THE EAST SIDE OF DAVIDSON STREET, NORTH OF SALEM AVENUE.

WHEREAS, the Albany Planning Commission held a public hearing on April 18, 2011, on the proposed map amendments and recommended approval based on evidence presented in the staff report and testimony presented at the public hearing for City of Albany Planning Files CP-01-11 and ZC-01-11; and

WHEREAS, the Albany City Council held a public hearing on the same application on May 11, 2011, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

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

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

Section 2: The Albany Comprehensive Plan Map designation of the properties described in Exhibit B hereby amended from Residential Medium Density, MDR, to Light Industrial, LI.

Section 3: The Zoning Map designation of the properties described in Exhibit C is hereby amended from Residential Medium Density, RM, to Industrial Park, IP.

Section 4: A copy of the legal description of the affected property is attached as Exhibit D. It shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Passed by the Council: May 11, 2011


Approved by the Mayor: May 11, 2011

Effective Date: June 11, 2011

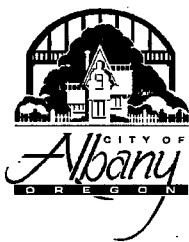


Mayor

ATTEST:



City Clerk



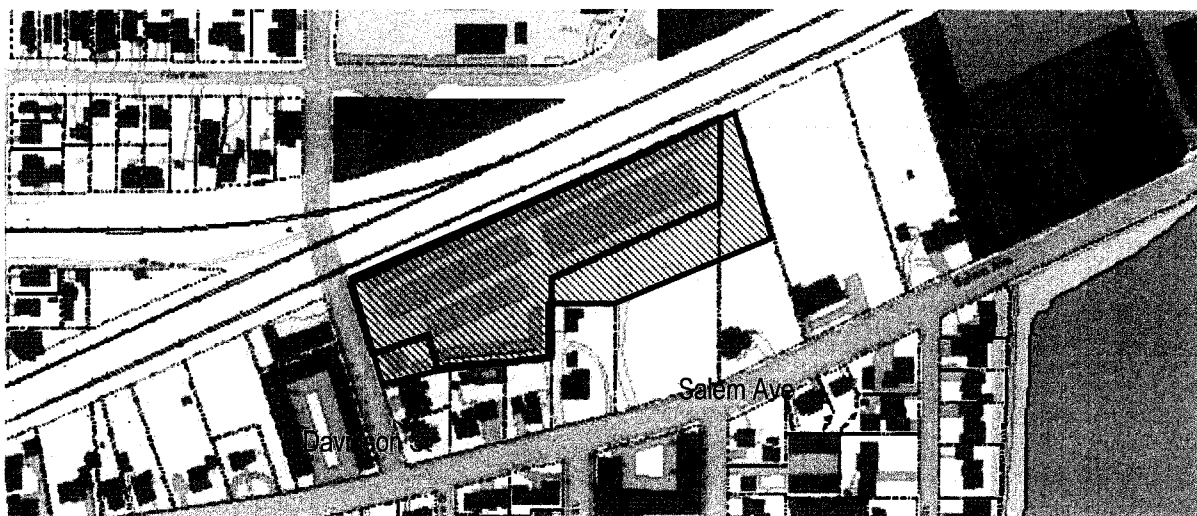
STAFF REPORT FINDINGS AND CONCLUSIONS

Planning Files CP-01-11 and ZC-01-11 Comprehensive Plan Map Amendment and Zoning Map Amendment

EXECUTIVE SUMMARY

Scott Lepman, dba Glorietta Bay LLC, has submitted a concurrent Comprehensive Plan Map and Zoning Map amendment application to change the designation and zoning of 4.26 acres, which includes two parcels of land and portions of a third and fourth parcel:

- 111 Davidson Street NE, Linn County Assessor's Map No. 11S-3W-5DB, Tax Lots 3201 and 3202;
- A portion of 2633 Salem Avenue SE, Linn County Assessor's Map No. 11S-3W-5DB, Tax Lot 3701 (0.96 acres); and
- A portion of 2751-2753 Salem Avenue SE, Linn County Assessor's Map No. 11S-3W-5DA, Tax Lot 1000 (0.68 acre).



The applicant proposes to **change the Comprehensive Plan designation** of the site from Medium Density Residential (MDR) to Light Industrial (LI) and **change the Zoning** from Residential Medium Density (RM) to Industrial Park (IP). See ordinance Exhibits B and C.

Information submitted with the application states that the purpose of the Plan and Zoning map amendments is to expand the existing self-serve storage facility by 1.09 acres. Under the current RM zoning, self-serve storage facilities are limited to 3 acres in size. The IP zoning district allows self-serve storage facilities as a Conditional Use, but does not have a restriction on the size of the site.

A Comprehensive Plan map amendment to LI must be consistent with the goals and policies of the Comprehensive Plan, the Statewide Planning Goals, and on balance be more supportive of the Plan as a whole than the current designation of MDR. The Plan policies also require evaluation of short-and long-term impacts of the proposed change.

The staff analysis concluded the following:

- The proposal does not strongly support the Comprehensive Plan's goal and policies;
- Public need for changing the land from residential to industrial has not been demonstrated;

- There is enough industrial land in the 2-5 acre size to accommodate projected demand to 2027;
- There is a shortage of medium density residential land to accommodate projected demand to 2025;
- In the short term, the proposed map amendments would have little impact since most of the site is developed with a self-storage facility;
- In the long-term the site could redevelop to other industrial uses or higher density residential uses;
- The site abuts a main rail corridor, and traffic is expected to increase, so the subject site is a less attractive residential site; and
- The uses permitted in the Industrial Park zone can be compatible with residential uses and could provide a buffer to the industrial uses to the north and to the rail corridor.

In summary the small amount of land will likely have little to no impact in the Comprehensive Plan goals and policies and will have no effect on the Statewide Planning Goals.

Planning Commission Recommendation. After reviewing the staff report and hearing testimony at their April 18, 2011, public hearing, the Planning Commission recommended approval of the concurrent Zoning Map and Comprehensive Plan Map amendments.

NOTICE INFORMATION & PUBLIC TESTIMONY

A Notice of Public Hearing was mailed to surrounding property owners on April 8, 2011. The site was posted on April 8, 2011, with a sign that advertises the public hearings.

The Planning Commission held a public hearing on the application on April 18, 2011. Four people testified at the hearing. The applicants, Scott Lepman and Candace Ribera, and one other person, John Robinson, spoke in favor of the application. Elva Keller spoke against the application. The testimony is summarized below.

Property owner and applicant Scott Lepman stated that he built the first phase of the existing storage facility at 111 Davidson Street NE in 1992. He purchased the adjacent properties with the intent to expand the facility. He thought the facility could be expanded beyond 3 acres. As an appraiser, he believes the site, which abuts a rail corridor is not well suited for residential uses. Storage facilities can serve as a buffer to the residential uses.

Candace Ribera, co-applicant, noted that the current RM zoning district would allow for an additional 3-acre storage facility. The proposal is to expand the existing storage facility for efficiency sake and to provide a buffer to the adjacent residential zones. She noted that the proposed IP zoning district would reflect the existing and transitioning land uses in the area.

John Robinson owns Waverly Mini Storage, a small storage facility across Davidson Street from the subject properties. He feels the proposal makes good use of the land already there and can't imagine any other use besides storage along the railroad tracks. The houses that front Old Salem Road have deep lots and there are few homes remaining.

Elva Keller of 2941 Salem Avenue SE spoke against the proposed map amendments. She has lived in her house since 1954. She does not know why the railroad gets bad press. She hates to see the land go to light industrial. She noted there were lots of transients around the storage facility and a band practicing in the facility. Salem Avenue has been a great place to live for 55 years.

APPEALS

Within five days of the City Council's final action on these applications, the Community Development Director will provide written notice of the decisions to the applicant and any other parties entitled to notice. A City Council decision can be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal within 21 days of the date the decision is reduced to writing and bears the necessary signatures of the decision makers.

STAFF ANALYSIS**Comprehensive Plan Map Amendment File CP-01-11**

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

- (1) *The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.*

FINDINGS OF FACT

- 1.1 **Current Plan Designation:** The current Comprehensive Plan Map designation of the properties is Medium Density Residential (MDR). The MDR designation “identifies areas suitable for multiple-family and single-family development at densities up to 35 units per acre. Manufactured home parks are permitted with Site Plan Review.”
- 1.2 **Requested Designation:** The request is to designate 4.26 acres of MDR to Light Industrial (LI). The LI Plan designation “provides areas suitable for a wide range of light industrial uses including corporate offices, research and development, high technology, manufacturing, warehousing, wholesaling, and other accessory and compatible uses that have minimal environmental effects and can conform to the Development Code performance standards for the Industrial Park and Light Industrial zones.”

Relevant Plan Goals and Policies

- 1.3 The proposed Plan map amendment to change land from MDR to LI must satisfy long-range interests of the general public as outlined in the Comprehensive Plan’s goals and policies.

The following Comprehensive Plan goals and policies are relevant in considering whether the proposed Light Industrial designation is more supportive of the Comprehensive Plan, on balance, than the current Medium Density Residential designation. The relevant goals and policies are listed under the relevant Statewide Planning Goals and are shown in *italic* print followed by findings of fact and conclusions.

GOAL 1: CITIZEN INVOLVEMENT:

Develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

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

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

- a. *Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*
 - b. *Utilize all criteria relevant to the issue.*
 - c. *Ensure the long-range interests of the general public are considered.*
 - d. *Give particular attention to input provided by the public.*
 - e. *Where opposing viewpoints are expressed, attempt to reach consensus where possible.*
- 1.4 The City’s Comprehensive Plan and Development Code, including the processes for citizen involvement on Type IV land use applications, have been acknowledged by the Land Conservation and Development Commission as consistent with statewide planning goals. Citizen participation for this type of application is through public hearings with the Planning Commission and the City Council. For this application, notice was mailed to surrounding property owners within 1,000 feet of the subject site, and to affected government agencies. Notice of the public hearings was posted on the subject property, and at other public locations in Albany.

GOAL 2: LAND USE PLANNING

Establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal: 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. See finding 1.4 above.*
- (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.*

- 1.5 This section of the staff report evaluates the proposed Plan map amendments against the applicable goals and policies of the Plan and the statewide planning goals are evaluated here under Review Criterion (1) and also Review Criterion (4).
- 1.6 Local utility companies and the Oregon Department of Transportation (ODOT) were notified of the proposed map amendments. Notice was also provided to the Oregon Department of Land Conservation and Development, per ORS 197.610, for Plan amendments. Information was received from the ODOT Rail Division regarding the adjacent rail corridor and is incorporated in the staff analysis.
- 1.7 The short and long-term impacts of the proposed Plan map change from MDR to LI must evaluate the loss of MDR land for industrial use, while balancing compatibility with adjacent uses and capacity of existing services. The short and long term implications will be evaluated throughout the staff report.

Public Need for Change

- 1.8 Policy 2(f) above, and in the Plan text under *Updating and Amending the Comprehensive Plan* (Plan page 9-6), it states that, "Any effort to change the Plan must be based on meeting a particular public need and compliance with statewide planning goals and administrative rules. Albany's Comprehensive plan should not be subject to capricious or arbitrary changes." The Plan is used as the policy basis for many day-to-day decisions and as a long-range planning tool.
- 1.9 The application says there is unmet demand for storage facilities in this area of Albany and in East Albany. The nearest other self-storage facility is located in Millersburg approximately 1.2 miles away from the subject site. Six other self-storage facilities are located in southwest Albany and one in North Albany. These units are located approximately 2.5 miles to 3 miles away from the existing site and 4 to 5 miles from the residential units located on the east side of Interstate 5. The application also says that there is demand for larger units, 10 x 20, 10 x 25, 10 x 30, and up to 20 x 40 feet (800 square feet). No market analysis was submitted documenting this need.

Alternatives to Changing the Plan and Zoning Map designations: The current RM zoning would allow for the current facility to be reconfigured and/or expand to multi-stories to accommodate additional storage

units up to 500 square feet in size. There is also vacant land in East Albany that could accommodate additional storage facilities to meet unmet demand and reduce travel for residents in East Albany.

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

- 1.10 According to the Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat, Plate 4: Streams, Rivers and Lakes, and Plate 6: Wetland Sites, there are no Goal 5 natural resources on this site to consider. These Plan goals and policies are not applicable.

Historic and Archaeological Resources

Goal: Protect Albany's historic resources and utilize and enhance those resources for Albany residents and visitors.

- 1.11 The area subject to the Plan amendment is not located within a Historic District. The duplex located at 2751-53 Salem Avenue (Tax Lot 1000) is on the Local Historic Inventory, but it is not within the area being considered for a Comprehensive Plan Map amendment or Zone Change.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

Goal: Reduce air pollution in the Albany area and ensure that existing and future land use activities maintain air quality standards.

Goal: Reduce the adverse effects of noise in the Albany area.

Policy 2: As much as possible, separate noise-sensitive uses and noise-generating uses.

Policy 3: Locate, design, and buffer noise-generating land uses such as major transportation facilities and industrial areas to protect both existing and potential noise-sensitive use.

- 1.12 Air and Sound Quality. The concurrent zone change application to Industrial Park zoning, would limit the uses to those permitted in the IP zone, which is intended for uses that are characterized by the "absence of objectionable external effects" and is designed for "industrial and business parks containing offices together with clean, non-polluting industries." Air and sound quality will be evaluated at the time of development to ensure compliance with the Department of Environmental Quality (DEQ) and the City of Albany standards.

GOAL 9: ECONOMY

Provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Note: *The Goal 9 Comprehensive Plan Economic Development goals and policies, are organized under headings Albany's Economy, Land Use, and Public Infrastructure.*

Albany's Economy

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.

- 1.13 Changing the Comprehensive Plan map from MDR to Light Industrial would add 4.26 acres of land to the industrial sites inventory for future employment and industry growth, but would remove the same acreage from land designated for residential uses.
- 1.14 The proposed map amendment to industrial land is too small to diversify the City's economic base.

Policy 2: Support the retention and expansion of existing businesses and industries, especially those that are locally owned.

- 1.15 There is a locally-owned self-serve storage business on 3.17 acres of the 4.26-acre subject site. The facility was developed in 1994 with the second phase occurring in 1998. The applicant would like to expand the facility by 1.09 acres.
- 1.16 The subject site is currently designated MDR, and is zoned RM. In order to preserve residential land for housing, RM is the only residential zone that allows self-serve storage facilities. The current RM zoning limits the size of storage facilities to 3 acres. The height limit in the RM zone is 45 feet, which would allow for multi-story expansion on the existing site acreage.
- 1.17 The proposed Comprehensive Plan map amendment with concurrent Zoning map change to IP would allow the existing storage facility to expand in the short term (with an approved Conditional Use application). This would support a business that is locally owned and operated.

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.

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

- 1.18 Statewide Planning Goal 9 requires cities to provide an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and other employment uses. An adequate land supply provides sites suitable for the 20-year planning period, as well as for the short-term to meet development opportunities as they occur. This is necessary to accommodate a varied range of small, medium and large employers, for new and expanding businesses, and to ensure land is available for immediate development.

The basis for determining whether there is an adequate supply of various types of land is data included in the suitable sites inventory in the Comprehensive Plan and the 2007 Economic Opportunities Analysis (EOA), adopted as a background document to the Plan.

1.19 Demand for Industrial Land in Albany – the Economic Opportunities Analysis

The 2007 EOA projects that Albany will add more than 6,000 jobs between 2007 and 2027. The industries that are most likely to locate or expand in Albany are warehousing and transportation, manufacturing, retail, health care, and government services.

The projected employment growth by industry translates to demand for approximately 120 acres of industrial land and 350 acres of land for retail, services, and government uses. The EOA indicates that Albany needs to provide between 146 and 245 sites to accommodate employment. The largest sites (50 acres and larger) will be needed for development by major industries, such as large manufacturing firms or transportation and warehousing firms. Industrial development will also require smaller sites. The majority of the smallest sites (2 acres and less) will be used for other employment, such as retail, services, government, and institutional uses.

1.20 Supply of Suitable Employment Sites in Albany

The 2007 EOA includes a buildable lands inventory and analysis of site suitability. It was based on development data, environmental constraints, verification with recent aerial photos, exclusion of small remnants of land, trends in residential development on employment lands, and land that is in the process of being developed.

At the time the 2007 EOA was completed, there were 418 acres considered to be suitable employment land within the Albany UGB. Of those, 318 acres (a total of 63 sites) are considered available and serviceable in the short-term (0-2 years). Of the 63 suitable short-term sites, 34 are designated for commercial, and 29 are designated industrial. Most of these sites are less than 5 acres.

- 1.21 The EOA concludes that Albany has an adequate supply of small to medium industrial sites in the 2 to 5 acre size (p. 23). The City has 20 industrial sites between 2 and 5 acres, and the projected demand is for 10 to 13 sites.

The greatest demand for industrial land is for sites larger than 5 acres. The EOA also projects demand for commercial sites less than 2 acres and industrial sites less than 1 acre.

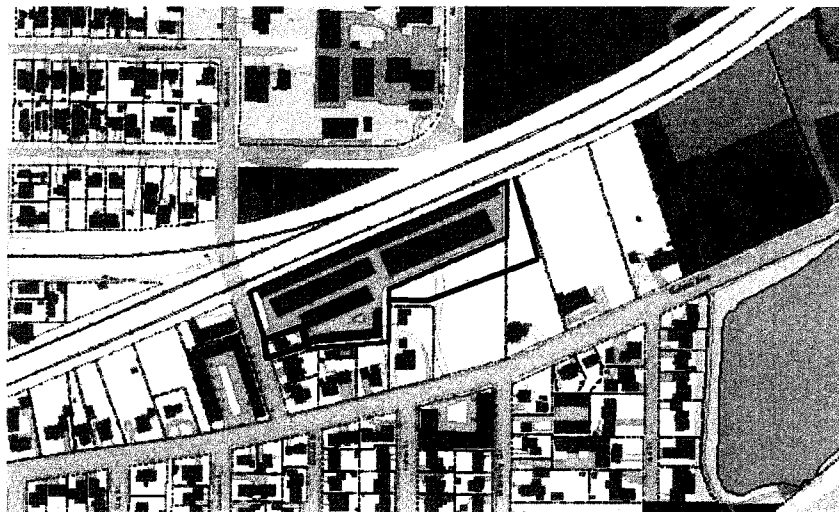
Goal 2: Achieve stable land-use growth that results in a desirable and efficient land use pattern.

Policy 2, General: Encourage land use patterns and development plans that take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations that increase energy efficiency.

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

- 1.22 The site is surrounded by residentially zoned land and uses on all sides but the north side, where the railroad tracks are located. The site is close to an arterial street that connects to the transportation system, to Millersburg, and it is relatively close to the interstate. The proposal would convert a 750 foot long by an average of 200 foot wide stretch of land to Light Industrial along the southern boundary of the railroad tracks. The map change would put industrial land adjacent to residential uses and zoning.

Note: the existing storage facility site is outlined in red, and the 1.09 additional area included in the map amendments is outlined in blue.



- 1.23 In the short term, the existing storage facility on the site serves as a buffer between the railroad tracks and the residential uses to the south. The use is allowed with the current Plan designation of MDR and the proposed Plan designation of LI.

In the long term, it is necessary to consider the range of types of uses that could be developed on the property, even if the site is already developed or a specific development is proposed, because there is no

guarantee a particular development will be built if the map designations of the property are changed. The use can also change over time.

The proposed Light Industrial Plan designation and concurrent request for IP zoning would allow for a variety of other industrial uses abutting residential uses.

In the long term, industrial uses adjacent to residential uses are not a stable land use pattern unless the uses can be compatible with the residential uses. The IP zone is intended for “clean industries” that have few negative off-site impacts and could be compatible with adjacent residential uses. The IP zone could also provide a buffer to the rail corridor and the industrial uses to the north.

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

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

1.24 The subject site is located in a developed area served by public utilities. The site is considered an infill site.

This older area of town has started to redevelop. Changing the Plan designation from MDR to LI may affect how other MDR sites in the area redevelop in the long term.

1.25 Policy 7 says to consider infill and redevelopment of already serviced sites before designating additional land for industrial and commercial uses. While the site is infill, the request is to designate more land for industrial uses.

Public Infrastructure

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

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

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

1.26 See the public facilities and services discussion under the Zoning Map Amendment evaluation, Review Criteria (3) and (4). The discussion concludes that the existing public utilities and facilities are adequate for light industrial uses. Those findings and conclusions are included here by reference.

Vehicular and pedestrian access to the site would be through the existing access point on Davidson Street, which is located approximately 250 feet north of Salem Avenue (Old Salem Road), a designated major arterial street. Salem Avenue has transit service and designated bike lanes.

GOAL 10 HOUSING

To provide for the housing needs of the citizens of the state.

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Policy 1: Ensure that there is an adequate supply of residentially zoned land in areas accessible to employment and public services.

1.27 The proposed map changes would change 4.26 acres of land designated for medium-density residential development to industrial use. Since 3.26 acres of the site was developed when the residential lands inventory was completed in 2005, only 1.09 acres would be removed from the city's inventory of buildable residential land.

1.28 Demand and Supply of Residential Land

Albany's housing needs will vary depending on the rate of population growth and household size. The data in the Comprehensive Plan shows that the City will need 4,300 housing units between 2005 and 2025 for a 2025 population of 57,030.

According to the 2005 residential buildable lands inventory data in the Comprehensive Plan, Albany has 1,375 acres of land in properties greater than one acre in the city limits in 2005. There is another 1,100 acres of vacant land in the Urban Growth Boundary (UGB) and approximately 500 acres of land within the city and UGB that has further development potential, for a total of 2,868 buildable residential acres in 2005.

Based on density projections by zone, the projected build-out capacity of the buildable land is about 13,450 housing units, assuming it is developed with residential units. In general, the City has enough total acreage designated for residential development to accommodate growth projections to 2025 and beyond.

1.29 The housing needs analysis in the Plan concludes that there is a surplus of land designated or zoned for low-density single-family use, but there is not enough land designated for medium density/multi-family use to 2025. The data shows a deficit of 58 acres in 2005 with the current zoning and Plan designations in the UGB by 2025. The analysis did not account for residential land that may be used for conditional uses such as religious and educational institutions, and parks.

1.30 Vacant land within the UGB designated Urban Residential Reserve (URR) on the Comprehensive Plan Map allows for a variety of residential zoning designations including medium density/multi-family and mixed use zoning. It is likely that some of the land will be designated multi-family and/or mixed use. For example, the City's Planning Division will be preparing a more specific land use plan for South Albany that will likely recommend new land use designations for this area.

Policy 2: Provide a variety of choices regarding type, location, density, and cost of housing units commensurate to the needs of city residents.

1.31 The RM zone allows for a variety of housing types and densities. It is the most flexible residential zone, which allows for the RM sites to respond to changing housing markets and needs. This RM district is applied along an arterial street (Salem Avenue) with easy access to transit, close to Waverly Elementary School and is in close proximity to employment sites.

Policy 6: Encourage residential development on already serviced and vacant residential lots or in areas within which services are available or can be economically provided.

Suitability of Site for Residential Use

1.32 While the subject property is currently designated and zoned for residential use, 3.17 acres of the subject properties are currently in use as a self-serve storage facility. The site could redevelop over time. The site's location in close proximity to Salem Avenue, a main east-west arterial, Waverly Drive, Waverly Elementary School, and proximity to Highway 99E and retail and services, make the site attractive for residential development.

1.33 The site is bound on the immediate north by the convergence of two railroad tracks and lines (Union Pacific, and the BNSF railway leased to Portland & Western Railroad) with heavy industrial uses beyond

- Albany Millersburg Water Reclamation Plant (sewage treatment) and ATI Wah Chang, a metals manufacturing plant.

The trains can be noisy, especially when blowing horns before entering street crossings. Housing projects that use funding from the Department of Housing and Urban Development (HUD) must have an average decibel level of less than 45 inside buildings and 65 decibels for outside gathering areas. Calculations were recently completed for the property abutting the site to the east, 2853 Salem Avenue SE (where the assisted living facility is proposed). Data from the Oregon Department of Transportation's rail division on the number of daily trains and the average number of railway cars per train, and proximity to the Davidson Street intersection, was used to calculate the average "day night level" (dnl) outside at 115 feet from the railroad tracks. The average was 85 dnl. HUD staff said that the noise levels decrease substantially the farther away from the tracks. They expect the assisted living facility to be able to meet the interior decibel levels and the outside levels if the gathering space is located in the front of the site.

The Oregon Department of Transportation rail division staff said that due to planned improvements to the rail tracks and moving the switching yard to Millersburg will result in increased train speeds for the Union Pacific and Amtrak lines adjacent to the subject site. In addition, a large project is underway to renovate and expand the Millersburg Yard. The Portland and Western Railroad line will move switching operations from the Albany Yard to the Millersburg Yard. The Millersburg Yard is closer to the subject site than the Albany Yard. Rail switching will increase near the subject property. This will result in more train movement and idling near the subject site.

GOAL 11: PUBLIC FACILITIES AND SERVICES

Plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

- 1.34 See the public facilities and services discussion under the concurrent Zoning Map Amendment evaluation, Review Criterion (3). The discussion concludes that the existing public facilities, services, and utilities are adequate for light industrial uses. Those findings and conclusions are included here by reference.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

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

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

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

- 1.35 The transportation findings included under the concurrent Zoning Map Amendment application, Review Criterion (2), are hereby included by reference. In summary, the transportation system is adequate to support the proposed IP zoning. In addition, the Plan map change from MDR to LI and zone change to IP would have no significant effect on the transportation system serving the site.

- 1.36 According to the Rail Division of the Oregon Department of Transportation, the site is adjacent to the mainline for Union Pacific Railroad (UP). The UP line is also used by Amtrak. The second railroad beyond the UP line is the Oregon Electric line owned by the BNSF railway and leased to the Portland & Western Railroad (PNWR). The PNWR track is the mainline leading toward Eugene and away from the Millersburg Yard, a sizeable switching yard a short distance northeast of the subject site.

The State of Oregon is making investment in rail infrastructure in the Albany area between 2009 and 2013 that will approach \$20 million. The rail infrastructure improvements are expected to result in an increase in the number of trains, increased train speeds, and increased idling locomotives due to switching activity coming from the Millersburg Yard.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use.

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

Policy 9: Encourage the use of already serviced vacant and underdeveloped land through adaptive reuse of older areas of the community and the development and/or partitioning of lots which can meet the minimum lot size requirements.

Policy 11: Provide opportunities for neighborhood commercial facilities to be located within an accessible distance of the area they are intended to serve.

Policy 15: Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

- 1.37 The subject site is an infill site in an older area of the City that is serviced by utilities and transportation facilities. The area is starting to redevelop.
- 1.38 The application says the proposed Plan amendment is requested to expand the storage facility in order to meet the needs of residents in northeast Albany, including those on the east side of Interstate 5 (East Albany) and the existing residents located in adjacent neighborhoods.

A storage facility on the east side of Interstate 5 would be a more efficient and accessible location to serve East Albany residents, and would reduce vehicle miles traveled and time.

Neighborhood commercial uses typically provide convenience goods and generate frequent traffic from nearby populations. The existing storage facility is not considered a neighborhood commercial facility. The existing MDR Plan designation and RM zoning allows for some residential-related uses, such as the self-storage facility and conditional uses, so that they may be located in proximity to the populations they are intended to serve.

- 1.40 The transit system works best when there is residential density to increase ridership along the routes. The proposed Plan designation of LI would reduce opportunities for increasing residential density near an existing transit route.
- 1.41 Some of the policies related to efficient land use patterns are included under Goal 9, so Findings of Fact 1.24 and 1.25, and Findings under Criterion (4) below.

Policy 13: Encourage residential professional uses as buffers between intensive commercial uses and less intensive residential uses where compatibility can be demonstrated with the surrounding neighborhood.

- 1.42 The proposal to change the 4.26-acre site from MDR to industrial uses would maintain the buffer currently provided by the storage facility between the rail corridor and the industrial uses to the north and

the residential uses to the south. The Development Code standards for industrial uses would require 30-foot setbacks and landscaping adjacent to residential uses.

Aesthetics and Urban Design Goal: Improve Albany's image, livability, appearance, and design quality through aesthetic enhancement.

Policy 3: Develop enforcement procedures to abate dangerous and nuisance-creating situations to promote compatibility and reduce conflict within neighborhoods and between different land uses.

- 1.43 The subject site has frontage on Davidson Street, which is a local street. The site is setback from major transportation corridors (Salem Avenue/Old Salem Road) and is not easily visible from Salem Avenue.
- 1.44 Designating industrial land abutting residential land may result in conflicts between the different land uses. In order to reduce potential conflicts between uses, the Development Code requires buildings in the IP zone to be setback at least 30 feet from residential property lines and buffering and screening are also required.

CONCLUSIONS (CRITERION 1, PLAN GOALS AND POLICIES)

The following summarizes the findings and conclusions of the evaluation of the Plan goals.

- 1.1 Goal 1, Citizen Involvement: The City's public hearing process allows for public input on the application. Notice was mailed to owners and residents within 1,000 square feet of the site and to other public agencies. The notification and involvement processes conform to the procedures specified in the City's Development Code.
- 1.2 Goal 2, Land Use Planning. If the proposed map amendments are approved, a 4.26-acre site designated for industrial use will be created and 4.26 acres of RM land will be removed from the inventory.
- 1.3 The burden of proof is on the applicant to demonstrate that public need for the proposed Comprehensive Plan amendment outweighs alternatives and that the proposal satisfies the goals and policies of the Comprehensive Plan. The proposed amendments are not based on a critical public need that cannot be met in alternative ways or sites. The existing MDR Plan designation and RM zoning allow for the existing storage facility up to 3 acres. The applicant has not demonstrated why this site is the best site to meet demand for additional industrial land or land for storage facilities versus the alternatives.
- 1.4 Goal 5, Natural Resources. The site does not contain any significant natural vegetation, wetlands, or cultural resources. The proposed Plan change would have no impact on Goal 5 resources.
- 1.5 Goal 9, Economy. There is enough industrial land inside the Urban Growth Boundary to accommodate the need for industrial sites between 2 and 5 acres for at least the next 20 years. The proposed Plan and Zoning map change of 4.26 acres of land to industrial use is not enough to make a difference in Albany's economic base.
- 1.6 The proposed Plan change would allow an existing locally owned business to expand.
- 1.7 Goal 10, Housing. The Comprehensive Plan projects the City will need an additional 58 acres of medium density land to accommodate growth to 2025. The map amendments would change 4.26 acres of residential medium density land to industrial, and would remove one acre from the City's vacant lands inventory in the short term and remove the site in the long term.
- 1.8 The subject site may not be the best location for residential development since it abuts a busy rail corridor.
- 1.9 Goal 11, Public Facilities and Goal 12, Transportation. The site has adequate public utilities and services to accommodate a change from MDR to LI.

- 1.10 Goal 14, Urbanization. The subject properties are within Albany's Urban Growth Boundary and City limits. No transition from rural to urban land uses is proposed in this application.
- 1.11 Efficient Land Use Pattern. The change to the LI Plan designation would allow for industrial uses next to residential uses. It would also remove opportunities for residential density near a transit route and transportation corridors. The proposed Plan map change would not necessarily result in a more efficient or desirable land use pattern.
- 1.12 The site is surrounded by development and is considered "infill" development. Infill development is encouraged by Comprehensive Plan goals and policies. The proposed Plan amendment would support redevelopment of one additional acre of land in an area served by public facilities and are close to main transportation corridors.
- 1.13 In summary, the requested Light Industrial (LI) Comprehensive Plan Map designation for the 4.26-acre site has been evaluated against relevant Comprehensive Plan goals and policies. On balance, the proposed LI Plan designation supports some policies and not others.

The Comprehensive Plan states that, "in the instance where specific Plan policies appear to be conflicting, then the City shall seek solutions which maximize each applicable policy objective within the overall content of the Comprehensive Plan and in a manner consistent with the statewide goals..."

- 1.14 While the findings did not show overwhelming benefit for changing the Plan designation from MDR to LI, the small amount of land will likely have little to no impact in the Comprehensive Plan goals and policies and will not affect implementation of the Statewide Planning Goals.
- 1.15 This review criterion is met.

(2) *The requested designation is consistent with any relevant area plans adopted by the City Council.*

FINDING OF FACT

- 2.1 "Relevant area plans" as used here means land use plans. For example, the City has relevant area plans for areas such as East I-5 and North Albany. There are no relevant area plans for the area where the properties are located.

CONCLUSION

- 2.1 This review criterion is not applicable because there are no relevant area plans for the area where the property is located.

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

FINDINGS OF FACT

- 3.1 The Comprehensive Plan does not, in broad terms, describe ideal land use or map patterns. Typically, it is good practice to locate uses with negative off-site impacts away from residential areas, avoid "spot zoning", provide a transition from higher intensity land uses to less intense residential uses, encourage compatible infill, and discourage low-density sprawl.

Particular Comprehensive Plan goals and/or policies provide guidance about what kind of uses and land patterns are desirable. For example, one Plan policy says, "Encourage land use patterns and development plans which take advantage of density and location to reduce the need for travel and dependency on the private automobile, facilitate energy-efficient public transit systems, and permit building configurations

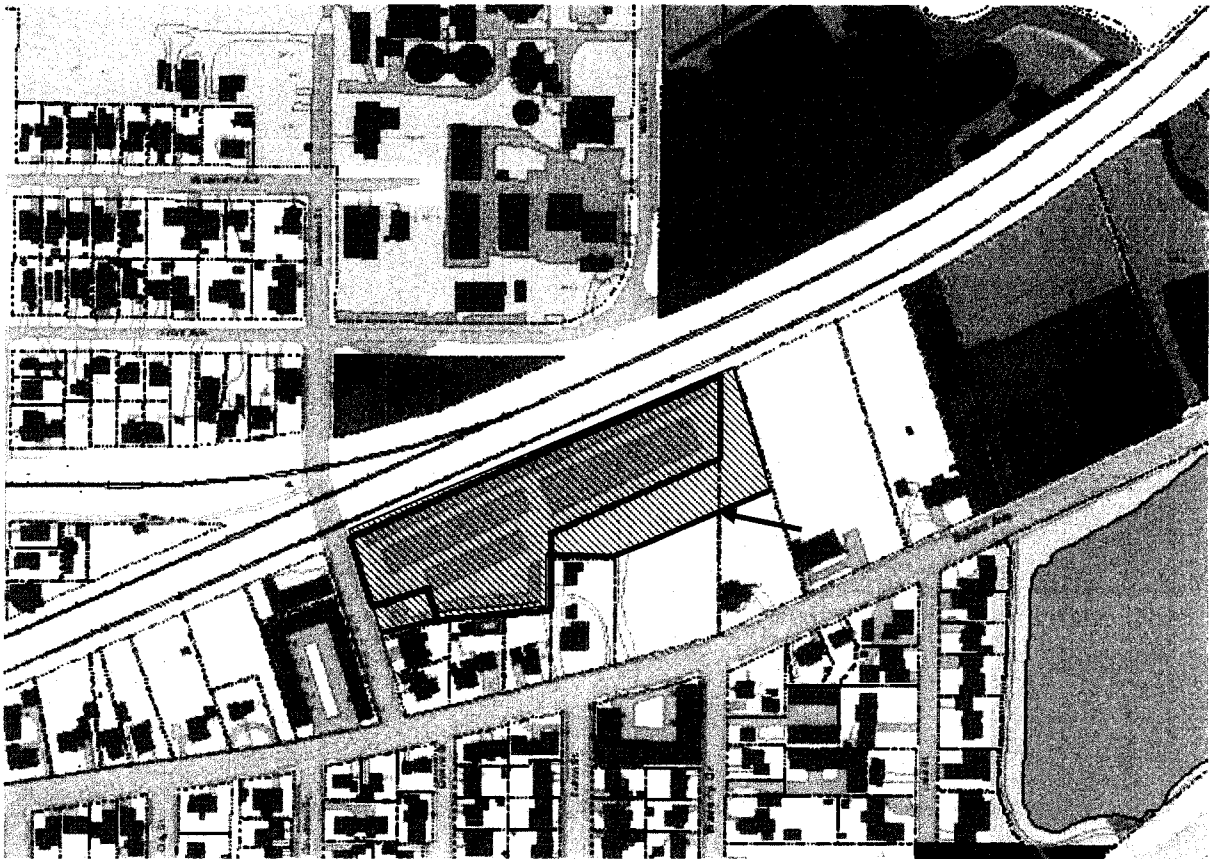
which increase the efficiency of energy use.” Other Plan policies support locating goods, services, and employment close to the area intended to serve; and protecting natural resources and cultural assets.

- 3.2 Currently, the land south of the railroad tracks has a Comprehensive Plan designation of Medium Density Residential (MDR), which is shown in yellow on the Plan map that follows. The wide railroad right-of-way to the north separates the MDR land from the existing Light Industrial and Heavy Industrial to the north.

The proposed Plan map amendment would change the cross-hatched area for 2 parcels and portions of 2 additional parcels totaling less than 5 acres in size from MDR to LI. This would result in Light Industrial land abutting the existing LI and HI land to the north and Medium Density Residential property to the south, east and west.

At first glance, the proposal looks like “spot zoning,” but the rail corridor is like an industrial use as it is the mainline for three railroads, so the LI Plan designation adjacent to the right of way is an acceptable land use pattern.

Typically industrial and residential uses are not located adjacent to each other. Yet the purpose of the IP zone is for clean industries with no negative offsite impacts that may be appropriate located near residential uses in order to encourage jobs close to housing.



- 3.3 Due to a variety of factors including changing development patterns, business concepts, and community needs, and other factors that cannot be specifically anticipated, the zoning patterns within areas of a community cannot always remain static.
- 3.4 In the short term, the existing storage facility site serves as a buffer between the railroad tracks and industrial uses to the north and the residential uses to the south.

- 3.5 The proposed Comprehensive Plan Map amendment with concurrent zone change to IP for the site would reflect the existing storage facility use and support its expansion. It would be infill development in an area with transitioning land uses.
- 3.6 Long term, the property could transition to higher density residential uses, or other industrial uses if the Plan map amendment is approved. Future industrial uses would have to be evaluated for compatibility to the adjacent residential uses.

CONCLUSIONS

- 3.1 There is no specific formula for an appropriate Comprehensive Plan map pattern.
- 3.2 While industrial land adjacent to residential land is not the preferred land use pattern; the site is adjacent to a busy rail corridor and could provide a buffer between the rail right-of-way and the medium density residential land to the south.
- 3.3 The proposal to change the Plan designation with the concurrent zone change to IP will have little effect on the neighborhood in the short-term, since 3.17 acres of the 4.26 acres that are the subject of the proposed Comprehensive Plan/Zone change are developed with a self-serve storage facility.
- 3.4 The requested Plan designation is consistent with the Comprehensive Plan map pattern because the site is adjacent to a heavy rail corridor and industrial designated land to the north.
- 3.5 This review criterion is met.

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

FINDING OF FACT

- 4.1 Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. The Albany Comprehensive Plan was acknowledged by the Land Conservation and Development Commission in 1982 as being in compliance with the Statewide Planning Goals.

The Statewide Planning Goals were evaluated under the Comprehensive Goals and Policies in Review Criterion (1) above. The Findings of Fact and Conclusions are hereby included by reference.

CONCLUSIONS

- 4.1 The requested Light Industrial Plan designation for this site is consistent with the Statewide Planning Goals.
- 4.2 This criterion is met.

STAFF ANALYSIS**Zoning Map Amendment File ZC-01-11**

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

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

FINDINGS OF FACT

- 1.1 The applicant proposes to change the zoning of 4.26 acres from RM, Residential Medium Density, to IP, Industrial Park.
- 1.2 The current Comprehensive Plan map designation of the subject site is Medium Density Residential (MDR). The proposed IP zoning is not consistent with the MDR Plan designation of the site.
- 1.3 The applicant has applied to change the Comprehensive Plan Map designation from Medium Density Residential to Light Industrial.
- 1.4 The proposed zone change to IP is consistent with the concurrent proposed Light Industrial designation of the property.

CONCLUSIONS

- 1.1 The applicant has applied for a concurrent Comprehensive Plan Map amendment to Light Industrial. The proposed IP zoning is consistent with the Light Industrial Plan designation.
- 1.2 This criterion is satisfied.
- (2) *Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.*

FINDINGS OF FACT

- 2.1 The site is located on the east side of Davidson Street. The site is currently served by a single driveway approximately 250 feet north of Salem Avenue (Old Salem Road), and approximately 150 feet to the south of an existing fully functioning railway crossing.
- 2.2 Three acres of the 4-acre site is currently developed with a mini/ self-serve storage facility.
- 2.3 Albany's Transportation System Plan (TSP) does not identify any capacity or level of service problems occurring adjacent to the development. Additional services may be constructed to provide for the extension of services to the area of expansion of the subject properties. Sidewalks have been provided adjacent to Davidson Street and Salem Avenue (Old Salem Road).
- 2.4 Zone changes are required to comply with the Transportation Planning Rule (TPR). The rule holds that a "significant effect" occurs if a proposed zone change would result in an existing or planned transportation facility either fails to meet an adopted performance standard or degrade the performance of an already failing facility.
- 2.5 A Trip Generation Study was submitted with the application. The study was performed by Oregon Traffic Engineering, LLC, and is dated February 2, 2011.

- 2.6 The study estimated the number of new vehicle trips the site could be expected to generate if developed under both the current and requested zone designations.
- 2.7 The study noted that the maximum density allowed under the current RM zone designation is 25 units per acre. Based on that limit the 4.26 acres could accommodate up to 106 apartment units. Using ITE trip generation data 106 apartment units would generate 712 average daily trips (ADT) and 66 trips during the peak PM traffic hour.
- 2.8 The study assumed that the most intense use that would be reasonably likely to occur on the site under the requested zone designation would be an industrial park with a building floor to lot area ratio of 0.40. That would result in a building area of 74,000 square feet. Using ITE trip generation data an industrial park development of that size would generate 518 ADT and 64 peak PM peak hour trips.
- 2.9 Staff agrees that use of a floor area ratio of 0.40 is probably a reasonable worst case assumption for development of the site under the IP zone designation. A review of existing developments in Albany within the IP zone designation found floor area ratios that varied between 0.07 and 0.34.
- 2.10 City staff reviewed the traffic study and agrees with its conclusions and recommendations.

CONCLUSIONS

- 2.1 The proposed zone change would change the designation of 4.26 acres from Residential Medium Density to Light Industrial.
- 2.2 Zone changes must be evaluated for a "significant effect" in order to comply with the TPR.
- 2.3 The reasonable worst case use under the current zone designation is development of site at the maximum residential density allowed in the RM zone. That density is 25 units per acre and would result in the construction of 106 apartment units. That use would generate 712 ADT and 66 peak PM traffic hour trips based on ITE trip generation rates for apartments.
- 2.4 The reasonable worst case use under the requested zone designation is an industrial park development of 74,000 square feet. That use would generate 518 ADT and 64 peak PM traffic hour trips based on ITE trip generation rates.
- 2.5 The zone change is not expected to create a significant effect on the transportation system because the reasonable worst case use under the proposed zone designation would result in both fewer ADT and PM peak hour trips than the reasonable worst case use under the existing zone designation.
- 2.6 This review criterion is met.
- (3) ***Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development within the subject area without adverse impact on the affected service area.***
- 3.1 Water. City utility maps show a 16-inch public water main in Davidson Street and a 20-inch main in Salem Avenue. The City's Water Facility Plan shows no system deficiencies in this area. Water modeling software shows flow rates in excess of 10,000 gallons per minute (at 64 pounds per square inch pressure) in the vicinity of the subject property. The existing water facilities in this area are capable of providing adequate water to all anticipated uses allowed in the proposed zoning districts.
- 3.2 Sanitary Sewer. City utility maps show a 54-inch public sanitary sewer main in Davidson Street, a 10-inch main in Salem Avenue along the westernmost 60 feet of the subject property, and a 6-inch main in Salem Avenue along the eastern half of the subject property.

The application requests that 4.26 acres of 5.90 acres be changed from RM to IP. The applicant is proposing to maintain the RM zoning for the remaining 1.64 acre portion of the subject property that is adjacent to Salem Avenue. In general, industrially-zoned land results in less sanitary sewer discharge than does an equal area of residentially-zoned land.

- 3.3 Storm Drainage. City utility maps show a 42-inch public storm drainage main in Salem Avenue west of Waverly Drive, and a 36-inch main in Salem Avenue east of Waverly Drive. A drainage ditch runs along the north boundary of the area in question (along the railroad right-of-way).

Any future development on the subject properties (industrial or residential) will be required to provide on-site storm water detention facilities. This would limit storm water runoff from the site to historic levels and would be designed to protect public storm drainage facilities from being overloaded.

- 3.4 Schools. The property is currently zoned for residential development. The requested zone change IP would reduce the amount of children attending school in this area.
- 3.5 Police and Fire Protection. The Albany Police Department and Fire Department provide services to all development in Albany, whether it is residential or industrial.

CONCLUSIONS

- 3.1 Public sanitary sewer, water, and storm drainage facilities exist adjacent to the subject properties and the facilities are capable of serving any anticipated development in either the IP or RM zones.
- 3.2 Because industrial development typically produces less wastewater discharge (per acre) than residential development, the proposed zone change would be expected to result in a lower total wastewater discharge than the current zoning.
- 3.3 Storm water runoff from any development (whether industrial or residential) will be limited to pre-development rates.
- 3.4 If the zoning designation of the property is changed from RM to IP, it will likely decrease the demand for school space by a relatively insignificant amount.
- 3.5 The Albany Police and Fire Departments will provide service to development on the property regardless of the zoning.
- 3.6 Existing or anticipated services can accommodate potential development within this area without adverse impact on the affected service area.
- 3.7 This review criterion is met.
- (4) *Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, and historic districts, will not be jeopardized as a result of the proposed rezoning.*

FINDINGS OF FACT

- 4.1 Floodplains: *Comprehensive Plan Plate 5: Floodplains*, does not show a floodplain on this property. FEMA/FIRM Community Panel No. 41043C0214G, dated September 29, 2010, shows the property is in Zone X, an area determined to be outside the 0.2% annual chance of flooding.
- 4.2 Wetlands: *Comprehensive Plan Plate 6: Wetland Sites*, does not show any wetlands on the property. The National Wetlands Inventory map does not show wetlands on the property. The City does not have a local wetlands inventory for this area.

- 4.3 Slopes: *Comprehensive Plan Plate 7: Hillsides and Steep Slopes*, does not show steep slopes on the property. The City's topographic data shows that elevations on the property vary from about 212 feet to about 216 feet.
- 4.4 Significant Natural Vegetation and Wildlife Habitat: *Comprehensive Plan Plate 3: Natural Vegetation and Wildlife Habitat*, does not show any areas of vegetation or wildlife habitat on the property. The properties subject to the map amendment has property has one Oak tree in the northeast corner.
- 4.5 Historic Property: Tax Lot 1000, 2731-2751 Salem Avenue SE, is on Albany's Local Historic Inventory. The property contains the c. 1890 Vunk House. The application includes rezoning the back portion of this property that does not include the historic building.

CONCLUSIONS

- 4.1 The site contains no unique or significant natural features and is not located within the 100-year floodplain.
- 4.2 The building on the Local Historic Inventory will not be jeopardized as a result of the proposed rezoning.
- 4.3 This review criterion is met.
- (5) *The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.*

FINDINGS OF FACT

- 5.1 The current zoning designation of the property where the Zoning Map amendment is proposed is RM (Residential Medium Density). The proposed zoning is IP (Industrial Park).

Zoning District Purposes

- 5.2 According to Section 4.020(6) of the Albany Development Code, the IP (Industrial Park) zoning district is "intended primarily for light manufacturing, high-tech, research and development, institutions and offices in a quality environment. Uses are characterized by attractive building architecture and landscaped yards and streetscapes, and the absence of objectionable external effects. The district is designed for industrial and business parks containing offices together with clean, non-polluting industries. IP is located along or near highly visible corridors to provide a positive image and a transition to residential or natural areas from heavier industrial uses."

In addition to industrial uses, the IP zone allows for a few non-industrial uses, including self-serve storage facilities by Conditional Use approval [ADC 4.050 and 4.060 (12)].

- 5.3 The site is not characteristic of IP sites in Albany, due to its limited visibility and location next to railroad tracks, but without rail access.
- 5.4 According to the Section 3.020(5), "The RM district is primarily intended for medium-density residential urban development. New RM districts should be located on a collector or arterial street or in Village Centers. Development may not exceed 25 units per gross acre."

In addition to a variety of residential housing types, the RM zone allows for several conditional uses and allows self-storage facilities through Site Plan review subject to special conditions, including a maximum size of 3 acres [ADC 3.050 and 3.080(15)].

- 5.5 Regarding the proposed IP zoning district best satisfies the goals and policies of the Comprehensive Plan, the Findings and Conclusions under Review Criterion (1) of the concurrent Comprehensive Plan Map

amendment are included here by reference. In Summary, those findings found that the proposed map amendments on this site were supportive of some Plan policies and not of others.

- 5.6 The IP zone is compatible with the concurrent request for a Plan map change to Light Industrial. The purpose of the Industrial Park zoning district supports many of the Comprehensive Plan goals and policies to provide opportunities for jobs located near transportation facilities and housing. The IP zone would not support the long-term need for more medium density housing.

CONCLUSIONS

- 5.1 The IP zone is consistent with the proposed Plan map designation and in general, satisfies the applicable goals and policies of the Albany Comprehensive Plan.

- 5.2 This criterion has been met.

- (6) The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.***

FINDINGS OF FACT

- 6.1 There are no City-contracted or funded land use or transportation studies applicable to this area.

- 6.2 There is nothing in the Transportation Systems Plan specific to transportation facilities in the near vicinity of the subject site.

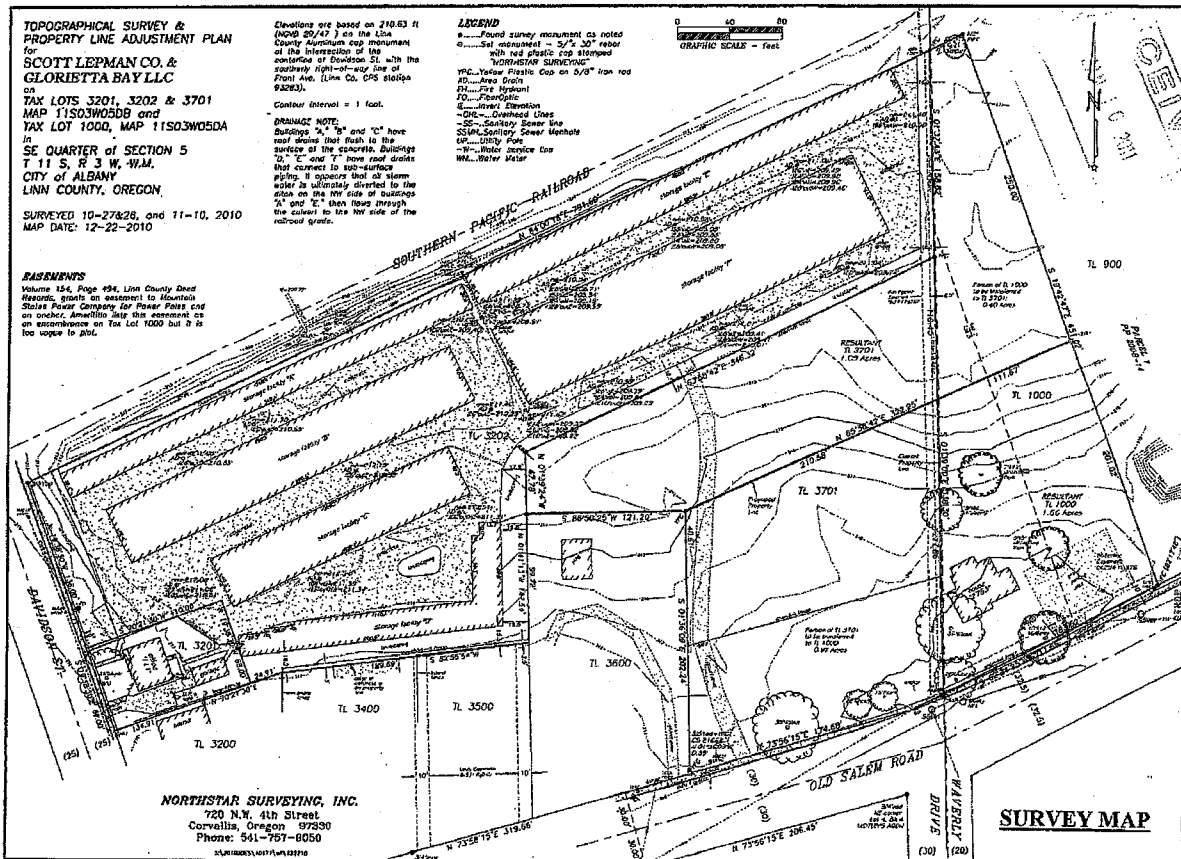
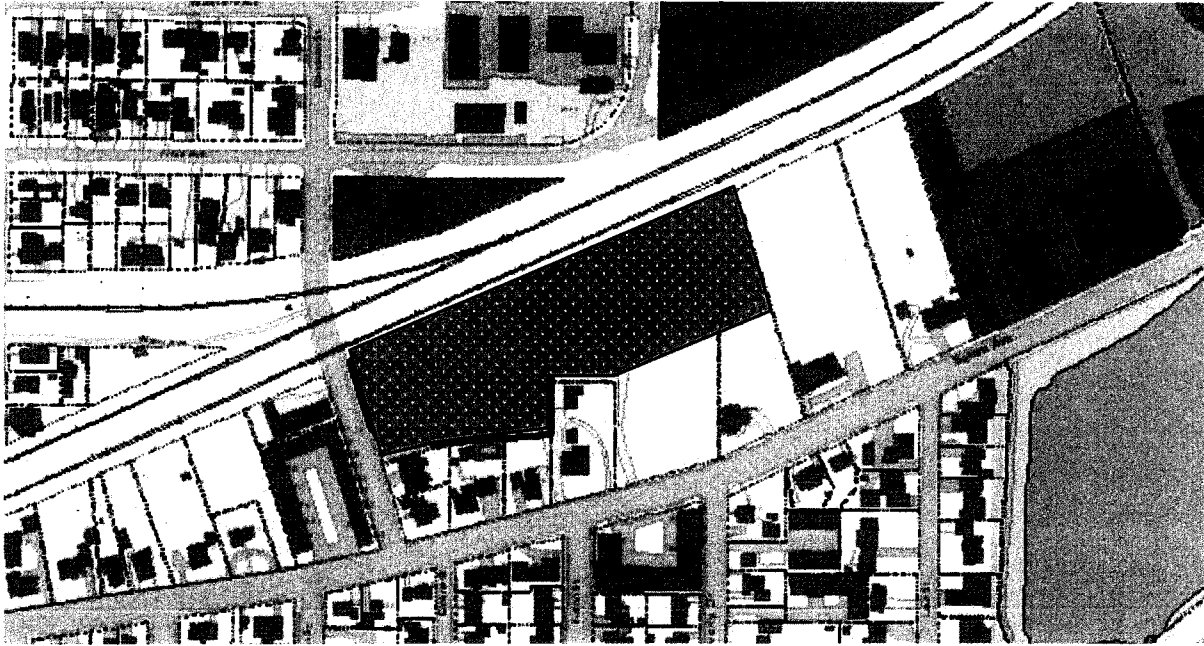
CONCLUSIONS

- 6.1 There are no applicable land use or transportation plans or studies for this area.

- 6.2 This criterion is not applicable and has been met.

CP-01-11, Comprehensive Plan Map Amendment

Comprehensive Plan Map Amendment that would change the designation of 4.26 acres of land from Medium Density Residential to Light Industrial as shown on the maps below.



ZC-01-11, Zoning Map Amendment

A Zoning Map Amendment that would change the designation of 4.26 acres of land from Residential Medium Density (RM) to Industrial Park (IP) as shown on the maps below.

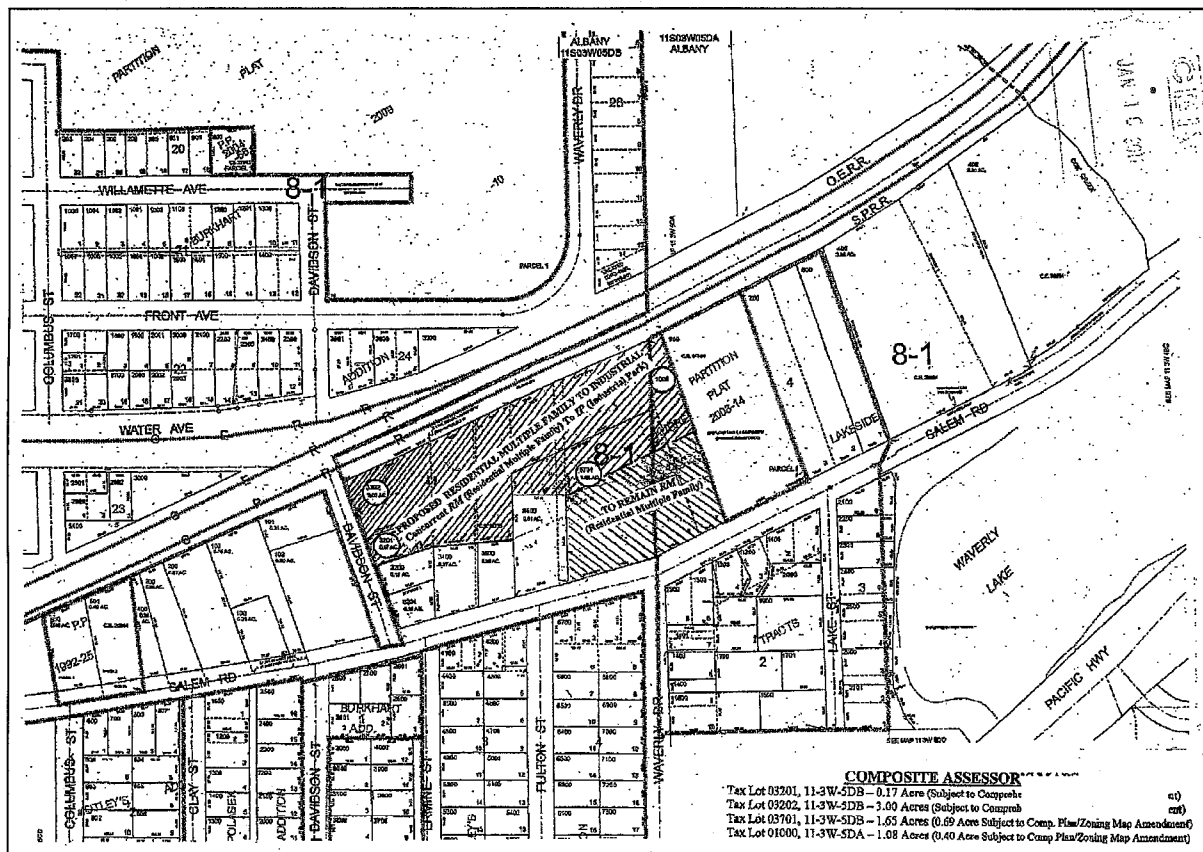
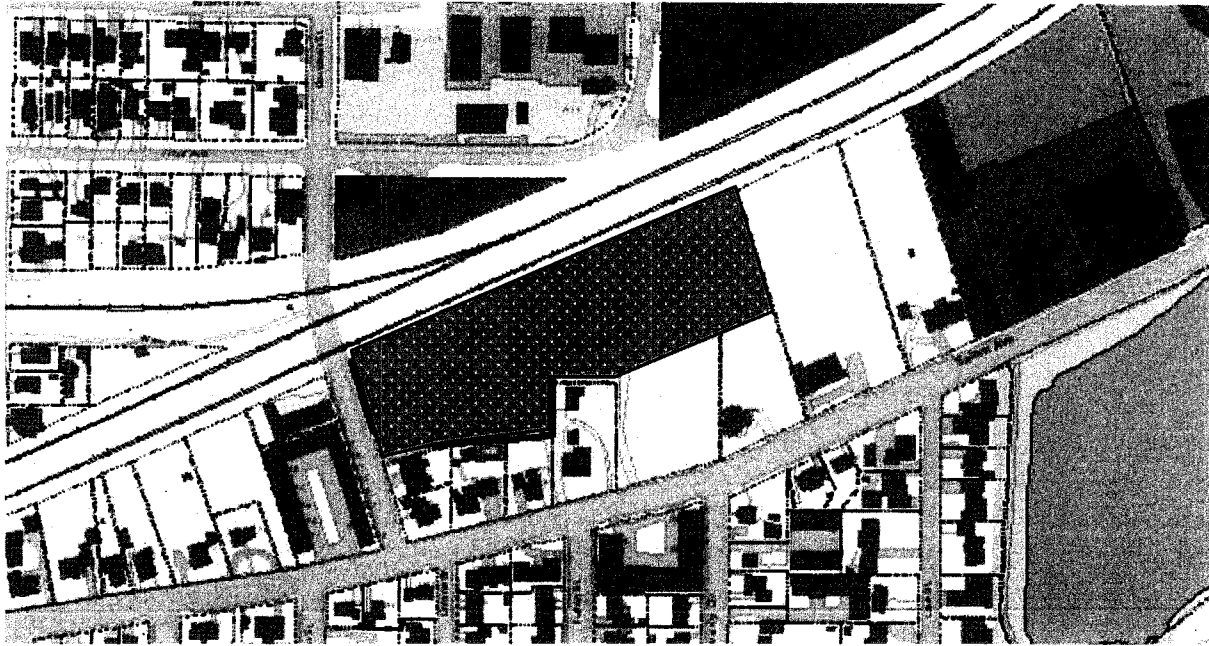


Exhibit 'A'
LEGAL DESCRIPTIONS

RECEIVED
JAN 10 2011

**PROPERTY PROPOSED FOR COMPREHENSIVE PLAN MAP AMENDMENT
FROM RESIDENTIAL MEDIUM DENSITY WITH CONCURRENT ZONE
CHANGE FROM RM to IP:**

That tract of land conveyed to Glorietta Bay LLC by deed recorded in Volume 1521 at Page 709, Linn County Deed Records;

ALSO, that tract referred to as "New Area "B"" conveyed to Glorietta Bay LLC per Volume 1136 at Page 189, Linn County Deed Records;

ALSO, a Tract of land in the Southeast Quarter of Section 5, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, said Tract consisting of a portion of Lots 7 and 8, Block 4, KURRE LAKESIDE TRACTS, together with a portion that tract referred to as "New Area "A"" conveyed to Glorietta Bay LLC per Volume 1136 at Page 189, Linn County Deed Records, and being more specifically described as follows:

Beginning at a 5/8" iron rod on the line common to said Lot 7 and Parcel 1 of Partition Plat 2008-14, said rod lying S 19° 42' 47" E 250.00 feet from the 1/2" iron pipe at the Northerly corner common to said Lot 7 and Parcel 1;
 THENCE S 65° 38' 42" W 322.25 feet to a 5/8" iron rod at an angle point in the west line of said "New Area "A;"
 THENCE S 88° 51' 05" W 121.26 feet to a 5/8" iron rod at the Westerly Southwest corner of said "New Area "A;"
 THENCE N 01° 41' 13" W 47.82 feet to a 5/8" iron rod at the Northwest corner of said "New Area "A;"
 THENCE N 63° 59' 38" E 346.37 to a 5/8" iron rod at the Northeast corner of said "New Area "A" on the west line of Lot 8, Block 4, KURRE LAKESIDE TRACTS;
 THENCE N 01° 37' 43" W 158.82 feet to a 5/8" iron rod at the Northerly Northwest corner of Lot 7, Block 4, KURRE LAKESIDE TRACTS, on the southerly right-of-way line of the Southern Pacific Railroad;
 THENCE along said right-of-way line N 64° 00' 18" E 27.93 feet to a 1/2" iron pipe at the Northeast corner of said Lot 7 and the Northwest corner of said Parcel 1 of Partition Plat 2008-14;
 THENCE along line common to said Lot 7 and Parcel 1, S 19° 42' 47" E 250.00 feet to the point of beginning;

The area of the resultant property being 4.26 acres, more or less.

The basis of bearings for this description is Linn County Survey No. CS 22353.