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ORDINANCE NO. 4157

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4030, WHICH ADOPTED THE CITY OF ALBANY'S COMPREHENSIVE DEVELOPMENT PLAN, TO PROVIDE FOR THE RECLASSIFICATION OF URBAN RESIDENTIAL LAND USE CLASSIFICATION TO COMMERCIAL CLASSIFICATION WITHIN AN AREA GENERALLY NORTH OF 14TH AVENUE, EAST OF GEARY AND WEST OF CLAY STREET CONTAINING APPROXIMATELY 26 ACRES AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Albany has held such hearings as are required by the law and the ordinances of this city and has made findings concerning the appropriate comprehensive plan amendment with said findings being based upon evidence produced at hearings; and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the comprehensive plan amendment above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

(see attached findings of fact)

now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: COMPREHENSIVE DEVELOPMENT PLAN AMENDMENT NO. 5

North of 14th Avenue, east of Geary Street and west of Clay Street (26+ acres) (see attached legal description)

is hereby amended in accordance with Exhibit A attached hereto and this amendment shall be known as Comprehensive Development Plan Amendment No. 5.

Section 2: COPY FILED

A copy of this comprehensive development plan amendment shall be filed in the Office of the City Recorder of the City of Albany.


Section 3: EMERGENCY CLAUSE

Whereas, it is in the best interest of the public health, safety, and general welfare of the citizens of the City of Albany, Oregon, that this matter be disposed of at the earliest possible moment; therefore, an emergency is hereby declared to exist and this ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: July 26, 1978

Approved by the Mayor: July 26, 1978

Effective Date: July 26, 1978

  
MAYOR

ATTEST:

  
Deputy City Recorder

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FINDINGS OF FACT

1. The proposed annexation and zoning is in compliance with the Comprehensive Land Use Plan and Goal Statements.
2. The properties are presently island areas surrounded by the City which allows the City to initiate annexation and zoning by their own motion and adoption of an Ordinance.
3. The properties are adjacent to or in close proximity to our improved major arterial street systems, to accommodate increased traffic loads.
4. Each proposed zoning classification is comparable to existing County zoning.
5. The proposed zoning classifications are in balance with the present and planned utility systems, services and facilities for the area.
6. The proposed zoning classifications fulfill the need for additional commercial core area growth.
7. The proposed zoning classifications would be totally compatible with existing and surrounding development patterns within the immediate vicinity.
8. The City of Albany presently has pending assessments against these properties for which the City is paying a great deal of interest.
9. Annexation will encourage development of these areas which is logical due to their central location, the availability of utilities and services and the need for compact growth.
10. The need for a major shopping center site in the greater Albany area has been well documented through a number of studies initiated by the City over the past five years and longer, none of which have proposed or even studied this site as a potential location. Thus, there is, in fact, public need for a major shopping center in the Albany area.
11. The proposed annexation and zoning complies with LCDC Goals and Guidelines as follows:

Goal No.

- (1) (a) Citizens Involvement - Citizens have had the opportunity to provide input into this issue as the result of the public hearing process which included notice to affected property owners and advertisements in the local newspaper. In addition, many citizens were involved in the original comprehensive planning efforts which lead to the present designation of this area.
- (2) (b) Land Use Planning - The proposed annexation and zoning is in complete accord with the present adopted Comprehensive Land Use Plan. In addition, efforts have been ongoing to properly plan for the transportation, utility, and other land use elements of this area.

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Goal No.

- (3) (c) Agricultural Lands - Not applicable.
- (4) (d) Forest Lands - Not applicable.
- (5) (e) Open Spaces, Scenic and Historic Areas and Natural Resources - This area has no historic or scenic significance, there are no known natural resources other than the land itself, and development of this land will help preserve the Open Spaces and Natural Areas outside of the urban area. The need for open spaces within the developments will be a future planning consideration.
- (6) (f) Air, Water and Land Resources Quality - Facilities are available to these properties to accommodate the water and sewer needs for the maximum development potential of the land. Any effect on air quality would be minimum.
- (7) (g) Areas subject to Natural Disasters and Hazards - Not applicable.
- (8) (h) Recreational Needs - The recreational needs of potential residents of this area will be considered and provided for at the time of development in accordance with the City of Albany Park Land Dedication Ordinance.
- (9) (i) Economy of the State - Annexation and development of these properties will have a favorable economic impact on the area's economy. In addition, the establishment of commercial businesses on large portions of this area will have an ongoing economic benefit to the community and the State.
- (10) (j) Housing - The recent annexation and multiple family residential zoning of other areas in this vicinity will make property available for development of a variety of housing types in close proximity to major commercial services and conveniences. These properties are suitable for low income to medium income rental housing and senior citizen rental housing of which there is substantial need in the area.
- (11) (k) Public Facilities and Services - This annexation and zoning proposal is in conformance with previous efforts to properly plan for necessary and efficient public facilities and services.
- (12) (l) Transportation - This area is located within a major arterial street network. In addition, the City has planned extensions of street systems to serve the eventual development of the area. The area is also served by the City's public bus system.
- (13) (m) Energy Conservation - The annexation and development of this central area of the community will enhance the conservation of energy by placing people in close proximity to employment and shopping thus reducing the transportation needs and extensions of streets and utilities.

Findings of Fact  
Page Three

Goal No.

- (14) (n) Urbanization - This area is within the Preliminary Urban Growth Boundary and is in complete accord with the Preliminary Urban Growth Policy Statements.

Goals 15 - 19 - Not applicable.

VWF

*Rec'd  
7-10-78  
CPL*



**Regional  
Consultants, Inc.**

Engineering  
Surveying  
Planning

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**Eugene • Corvallis**

2380 N.W. Kings Blvd.  
Corvallis, Oregon 97330  
(503) 754-1120

July 10, 1978

FINDINGS OF FACT  
ISLAND AREA ANNEXATION A

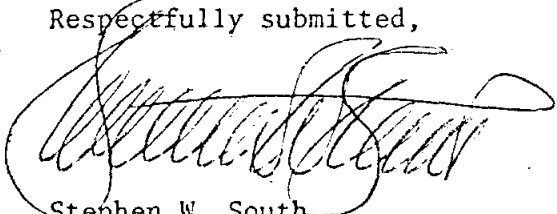
Planning Commission  
City of Albany  
Albany, Oregon 97321

We respectfully submit the following findings of fact to support the comprehensive plan change and annexation of Island Area A with zoning of the approximately 45.5 acres above the 14th Street extension as C-2, and the approximately 14.5 acres below the 14th Street extension as R-2 or R-3:

1. The proposed comprehensive plan change and zoning is in compliance with the Comprehensive Plan Goal Statements.
2. The property is presently an island area surrounded by the City which allows the City to initiate annexation and zoning by their own motion and adoption of an Ordinance.
3. The property is adjacent to or in close proximity to improved major arterial street systems which can accommodate, or will be able to accommodate as presently planned, increased traffic loads.
4. The proposed zoning classifications are in balance with the present and planned utility systems, services, and facilities for the area.
5. The proposed zoning classifications are in balance with the need for additional residential and commercial core area growth.
6. Sufficient land is presently available in the City for development as multi-family housing for many years to come.
7. There are presently no available commercial lands within the City with proper size, shape, and location to allow for a mall-type shopping center.
8. A need exists for commercial activity to be clustered to encourage competition among retailers and comparison convenience for shoppers.
9. The financial solvency of the City would be increased by having a mall-type shopping center in a central location within the City, whereas the reverse would be true if a shopping center were built outside of the City.

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10. Annexation will encourage development in this area which is logical due to its central location, the availability of services and utilities, and the need for compact growth.
  11. The proposed zoning classifications would be totally compatible with existing and surrounding development patterns within the immediate vicinity.
  12. The comprehensive plan change, annexation and zoning proposal is in complete compliance with all applicable LCDC Goals and Guidelines.
  13. Petitions containing signatures of over 200 Albany area residents were submitted in support of a local shopping mall.
  14. Albany's population is expected to double by the year 2000 and, consequently, it is time now to set aside land for commercial activities to meet tomorrow's need.
  15. Since few owners are involved in Area "A" the chance for a mall is much greater than if many small parcels with many individual owners were assembled.
  16. Local City improvement projects have an assessment price tag of \$132,653.00 or \$12,000.00 per acre almost equaling the value of the land alone. It is financially impossible for their costs to be supported by residential land uses.

Respectfully submitted,



Stephen W. South  
Associated A.I.P.  
Director of Planning

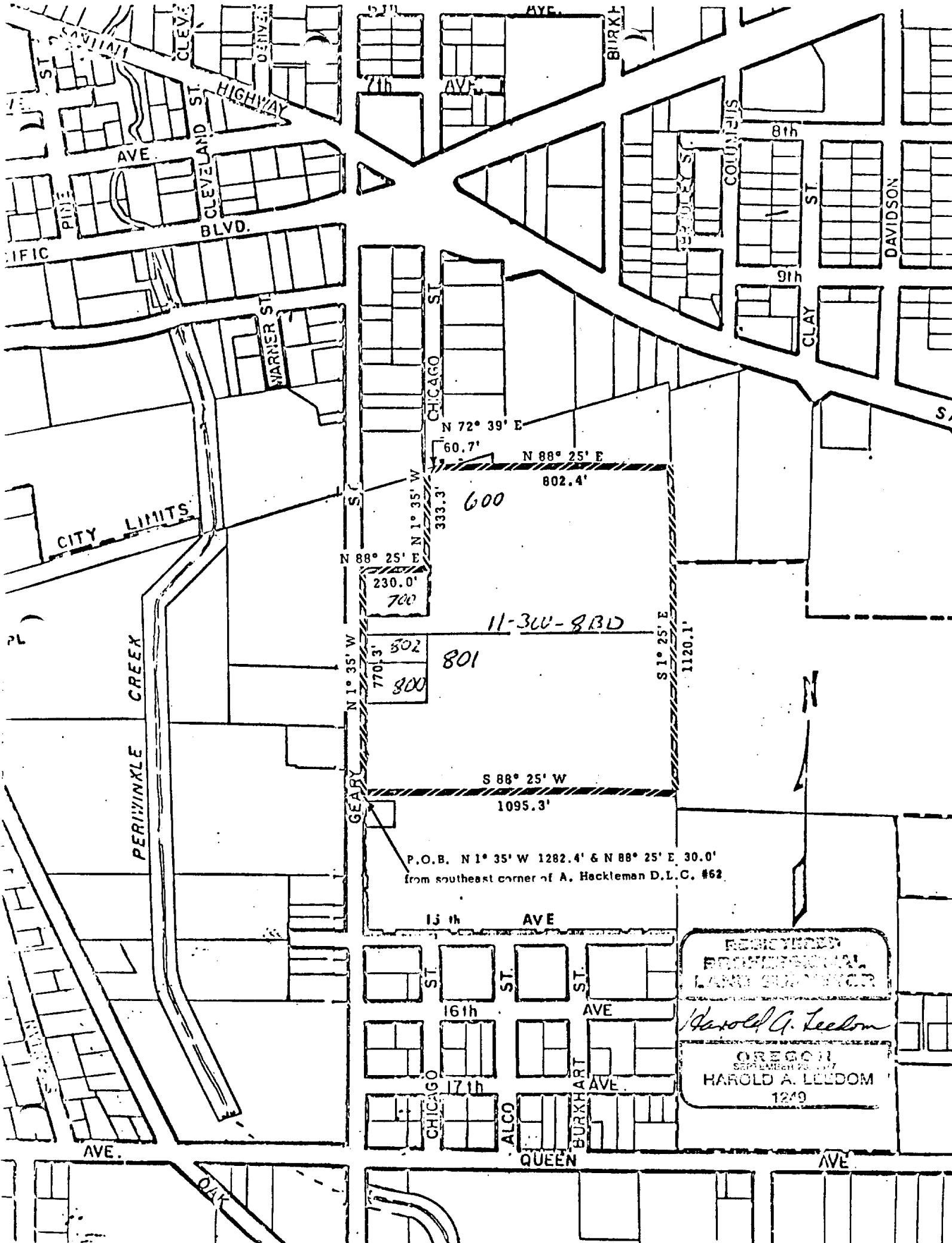
SWS/dh

# City of Albany

Beginning at a point which is N 1°35'W 1282.4' and N88°25'E 30.0'  
from the southeast corner of A. Hackleman D.L.C. #62 in T. 11 S.,  
R. 3 W. of the Willamette Meridian, Linn County, Oregon; thence

N 1°35'W, 770.3' along the east right-of-way line of Geary St.; thence  
N88°25'E, 230.0'; thence  
N1°35'W, 333.3'; thence  
N72°39'E, 60.7'; thence  
N88°25'E, 802.4'; thence  
S1°25'E, 1120.1'; thence  
S88°25', 1095.3'; to the point of beginning.

11-3W-8BD Tax Lots 600, 700, 800, 802, 801



REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR  
*Harold A. Leedom*  
 OREGON  
SEPTEMBER 25, 1917  
 HAROLD A. LEEDOM  
 1249

P.O.B. N 1° 35' W 1282.4' & N 88° 25' E 30.0'  
 from southeast corner of A. Hackleman D.L.C. #62

11-300-83D

600

700

801

802

800

CITY LIMITS

PERIWINKLE CREEK

PACIFIC

AVE.

OAK

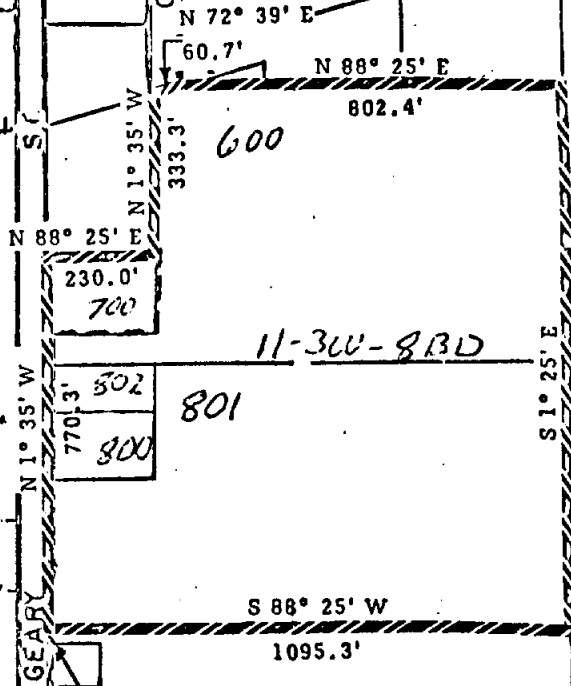
15th AVE

16th AVE

17th AVE

QUEEN

AVE.



N 72° 39' E  
60.7'

N 88° 25' E  
802.4'

N 1° 35' W  
333.3'

N 88° 25' E  
230.0'

N 1° 35' W  
770.3'

S 1° 25' E  
1120.1'

S 88° 25' W  
1095.3'

CHICAGO ST

CHICAGO ST

ST.

ALCO ST

ST.

BURKHART ST

BURKHART

SEABOARD ST

COLUMBIAS

8th ST

CLAY ST

9th ST

DAVIDSON

SA

