

ORDINANCE NO. 4118

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TITLE: ZONE CHANGE AMENDMENT NO. 144, UNDER ORDINANCE NO. 4067 REZONING PROPERTY LOCATED ON THE NORTH SIDE OF 7TH AVENUE BETWEEN HILL STREET AND LAFAYETTE STREET FROM R-3 MULTIPLE FAMILY TO C-2 COMMUNITY COMMERCIAL.

WHEREAS, the Planning and Zoning 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 zone for the property being considered, 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 zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

(see attached findings)

and,

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

none

now, therefore,

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

Section 1: ZONE CHANGE AMENDMENT NO. 144

An area described as follows: on the north side of 7th Avenue between Hill Street and Lafayette Street (see attached legal description)

Community  
is hereby rezoned as C-2 Commercial and this amendment shall be known as  
zone change amendment number 144 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

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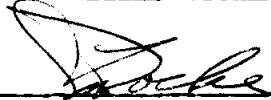
Section 3: CERTIFICATE OF COMPLIANCE

This zone change amendment shall be effective upon filing of a certificate of compliance with the conditions above enumerated by the Planning Director of the City of Albany.

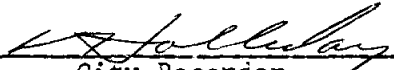
Passed by the Council: April 12, 1978

Approved by the Mayor: April 12, 1978

Effective Date: May 12, 1978

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

# EXHIBIT "A"

## EVIDENCE AS REQUIRED BY SECTION 10 OF ZONE CHANGE PETITION:

The following information is put forth by the petitioner to demonstrate why the proposed change to the comprehensive plan and proposed zone change is consistent with and promotes the objectives of the Comprehensive Plan, Goal Statements, and Zoning and Land Use Regulations of the city of Albany.

Section 10a. The proposed change is consistent with and promotes the objectives of the Comprehensive Plan, Goal Statements and Zoning and Land Use Regulations of the City. The intent of the Comprehensive Plan and Zoning Ordinances are to provide for an orderly growth. Anything done to promote the health, safety, and welfare of the residents in the area would add immensely to that intent. In other cases where C-2 zones have been established, the areas were generally bounded by multi-family and/or arterial streets. The area in this proposal is bounded on the South by commercial enterprises located on Pacific Boulevard and is bordered on the North by the Southern Pacific Railroad right-of-way. The property is also intersected by Madison Street, which is a major traffic arterial of the downtown area to the Southern residential area of Albany. The proposed change would have natural built-in buffers, would provide conveniences, would benefit overall transportation plans, and therefore, would not be in conflict with the intended Comprehensive Plan and zoning.

### LCDC Guidelines:

#### 1. Citizen involvement:

Citizen involvement is provided through public hearings. The Planning Commission is required by Section 19.04 of the City of Albany Zoning and Land Use Regulations to hold public hearings. Said section further provides for mailing of written notice of this application to the owners of the property within 500 feet of the subject property, as well as newspaper publication of said notice. As a continuing factor, all future development plans will also be reviewed by the public through the planning and approval process.

#### 2. Land use planning:

This goal is being fulfilled by the actions of public hearings and procedures set forth by the city of Albany planning and development giving full consideration to

3. Agricultural lands:

The property in question is within the city limits of the city of Albany and is currently zoned R-3. The land has already been removed from classification as farmland through the process of zoning it R-3.

4. Forest lands:

This land does not fall within the definitions of forest land as set out in the LCDC Goals and Guidelines.

5. Open spaces, scenic and historic areas, and natural resources:

The land for which the proposed change is sought is not suitable for open space or as a recreational area. The property is bordered on the South and intersected by busy streets. Further, the property is bordered on the North by the main line right-of-way of the Southern Pacific Railroad and a spur track of the railroad.

6. Air, water, and land resource quality:

The area in question is located adjacent to a part of the Albany sewage system. Water is readily available. Storm water runoff can be adequately accommodated by the existing storm drainage line.

7. Areas subject to natural disasters and hazards:

Not applicable.

8. Recreational needs:

Because of the location of this property and its close proximity to busy streets and railroad tracks, it is not suitable as recreational property.

9. Economy of the state:

The proposed change from R-3 to C-2 in this area would provide a better economic impact. Albany Animal Hospital would provide a continuation of its present favorable economic impact. Use of the remaining property for commercial purposes would provide a much better economic impact than the present older rental homes. Obtaining tenants for the present rental property is very difficult because of the close

proximity to existing commercial property and the railroad tracks. Each business is an asset to the economy of the state. This change would create additional employment and should increase the tax shield per acre without taxing additional facilities and schools, parks, and other public facilities.

10. Housing:

Although the Comprehensive Plan shows this area as in urban-residential zone, the proximity to the railroad tracks, public streets and commercial districts, detracts greatly from its desirability as a residential zone. This strip of land between the present commercial zoning and the railroad tracks does not lend itself to multiple dwelling use. Development of this area to multi-family would attract transitory tenants, which would lead to expensive maintenance costs and deterioration of the structures. Close proximity to the railroad tracks would be a hazard to the children of any of the tenants of any multiple dwelling. A local lending institution was contacted concerning the feasibility of financing multiple units on this property. It was their opinion that no funds should be provided for the construction or refinancing of multiple structures at this location, because of the proximity of the Southern Pacific Railroad and heavily traveled Pacific Boulevard.

11. Public facilities and services:

Rezoning of this property to C-2 would promote the goal of developing an orderly and efficient arrangement of public services. A portion of the property presently contains an animal hospital and most of the surrounding property is also currently utilized as commercial property. This area is, for all practical purposes, a commercial area. A zone change to continue the small cluster of businesses already in the area would be convenient to the public as far as availability and access, and would promote orderly development of the city.

12. Transportion:

Zoning this property C-2 would provide relief on local streets by providing a clustering of small businesses so that consumers would not have to travel long distances to service their needs. Access to this area is provided by Pacific Boulevard, 7th Avenue, and Madison Street, all heavily traveled streets, and would not promote any traffic problems.

13. Energy conservation:

The area in question is close to the downtown area and borders on the commercial strip along Pacific Boulevard. We avoid energy waste and fuel consumption by providing central areas of commercial development rather than having commercial development located in fringe areas and requiring the consumer to drive long distances in completing their tasks.

14. Urbanization:

Not applicable.

Section 10b. There is a public need for a change of the kind in question. The population of the city of Albany has been and will continue to grow. With this expansion in population, more commercial property will have to be made available to accommodate the commercial needs of the city of Albany. In today's society it is of utmost importance to conserve our energy. Centralizing our commercial districts will greatly save on fuel consumption. Our proposal here is merely to enlarge an already existing commercial district.

Section 10c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property. This property is best suited for commercial development rather than residential development. The railroad provides a natural buffer between residential property and commercial property. This property is not suited for residential development because of its hazard to small children. The railroad and heavy traffic are unsafe conditions for children. This property would not be attractive to tenants because of the noise factor involved with the railroad.

Lending institutions have stated that this property is not suited for residential financing. If the zoning continues as residential, it cannot be further developed because of the lack of financing.

It is not in the best interests of the city to have undeveloped property existing within the city. No other property in Albany is better suited to a C-2 zone.

LEGAL DESCRIPTION:

Parcel A:

The East half of the West half of Block 45 in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, said property commonly known as Lots 2 and 7 of said Block 45.

And also Lots 1 and 8 of Block 45, in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, EXCEPT that portion sold to the Oregon and California Railroad Company by Deed recorded in Book J, page 402, Deed Records for Linn County, Oregon.

Parcel B:

The North half of the Northeast quarter of Block 45, HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon.

Parcel C:

The West half of the Southeast quarter of Block 45, HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon.

Parcel D: *W. H. Johnson*

Beginning at a point 22 feet West of the Southeast corner of Lot 7, Block 39 of HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon; thence Northerly parallel to the Easterly line of Lot 7 a distance of 94.09 feet to the Southerly line of a 40 foot right-of-way of the Southern Pacific Company; then Southeasterly along said right-of-way line to a point 18 feet East of the East line of Lot 7; thence Southerly parallel with the East line of Lot 7 to the Southern line of Lot 6; thence West 40 feet to the point of beginning.

Also, beginning at the Southeast corner of Block 39, HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, and running thence West along the South line of said block to a point 18 feet East of the Southwest corner of Lot 6, Block 39, said addition; thence North parallel to the East line of said block to the South margin of the Oregon Electric Railroad right-of-way; thence Southeasterly along said South margin to the place of beginning.

And also, beginning at the Northwest corner of Lot 7, Block 39, HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, and running thence South along the Western

boundary line of said lot to the Southwest corner of said lot; thence Easterly along the Southern boundary line of said lot, a distance of 44 feet; thence Northerly parallel with the Western boundary line of said lot to the Southern boundary of the Oregon Electric Railroad right-of-way; thence Northwesterly along the Southerly boundary line of said Oregon Electric Railroad to a point of intersection with the Northerly line of said lot; thence Westerly to the point of beginning.

Parcel E:

Beginning at the Southeast corner of Block 40 in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon; running thence Westerly along the Southern boundary line of said block a distance of 100 feet; thence Northerly parallel with the Eastern boundary line of said block a distance of 65 feet; thence Easterly parallel with the Southern boundary of said block a distance of 100 feet to the Eastern boundary line of said block; thence Southerly along the Eastern boundary of said block a distance of 65 feet to the place of beginning.

Parcel F:

Beginning at a point on the Eastern boundary line of Block 40 in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, where the Southern line of the right-of-way of the Southern Pacific Railway Company crosses said boundary line, and thence Southerly on the Eastern boundary line of said block to a point which is 65 feet Northerly from the Southeast corner of said block; thence Westerly on a line parallel with the Southern boundary line of said block 100 feet; thence Southerly parallel with the Eastern boundary line of said block 65 feet to the Southern boundary line thereof; thence Westerly on the Southern boundary line of said block 53.35 feet to a point which is distant 111.65 feet from the Southwest corner of said block; thence Northerly parallel with the Eastern boundary line of said block to the South boundary line of the right-of-way; thence in a Northeasterly direction on the said South line to the place of beginning.

ALSO the following described property:

Commencing on the South line of Block 40 in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, as the same appears on the maps and plats of said addition to said city at a point 61.1 feet Easterly from the Southwest corner of said block, and running thence Easterly along the Southern boundary line of said block a distance of 50.55 feet; thence



Northerly, on a line parallel with the Western boundary of said block 106.6 feet, more or less, to the Southern boundary line of the right-of-way of the O. and C. R. R. Company; thence Southwesterly along the Southern boundary line of said right-of-way, to a point which is distant at right angles 61.1 feet Easterly from the Western boundary line of said block; thence Southerly, on a line parallel with the Western boundary line of said block, to the place of beginning, containing in the aggregate 5,000 square feet, and all lying and being situated in Linn County, and state of Oregon.

SAVE AND EXCEPT the following described parcel:

Beginning at the Southeast corner of Block No. 40, in HACKLEMAN'S SECOND ADDITION to the city of Albany, Linn County, Oregon, as the same appears and is designated on the recorded plat of said Addition to said city; running thence Westerly along the Southern boundary line of said block a distance of 100 feet to the true point of beginning; thence Westerly along the Southern boundary line of said block a distance of 53.35 feet; thence Northerly parallel with the Eastern boundary line of said block a distance of 55 feet; thence Easterly parallel with the Southern boundary line of said block a distance of 53.35 feet; thence Southerly parallel with the Eastern boundary line of said block a distance of 55 feet to the true point of beginning, all in Linn County, Oregon.