

I,

AN ORDINANCE AMENDING ORDINANCE NO. 4030, WHICH ADOPTED THE CITY OF ALBANY'S COMPREHENSIVE DEVELOPMENT PLAN, TO PROVIDE FOR THE RECLASSIFICATION OF 1.2 ACRES LOCATED EAST OF WAVERLY DRIVE AND SOUTH OF PACIFIC BOULEVARD FROM URBAN RESIDENTIAL TO BUSINESS-PROFESSIONAL AND COMMERCIAL 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. 6

(see attached legal description)

(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. 6.

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.

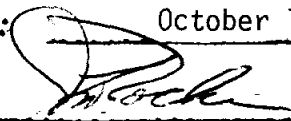
Section 3: EMERGENCY CLAUSE

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: October 11, 1978

Approved by the Mayor: October 11, 1978

Effective Date: October 11, 1978



MAYOR

ATTEST:

[Signature]
CITY RECORDER

40
4184

10-4-21-78
apl

MEMORANDUM IN SUPPORT OF COMPREHENSIVE PLAN AMENDMENT

TO: CITY OF ALBANY PLANNING COMMISSION, PLANNING
DEPARTMENT AND CITY ATTORNEY

FROM: ROBERT T. SCOTT, ATTORNEY FOR APPLICANTS

RE: JOURNAL NO. 2C-5-78, ZONE CHANGE AND COMPREHENSIVE
PLAN AMENDMENT

At the public hearing August 7, 1978, several Planning Commission members expressed approval of a zone change from R-2 to RP, but expressed the opinion that a Comprehensive Plan Amendment would be necessary before such a change could take place. Mr. Bryant and Mr. Delapoer expressed similar opinions. Both Mr. Bryant and Mr. Delapoer indicated that further findings should be submitted by the applicant to support a possible amendment to the Comprehensive Plan. This Memorandum will attempt to supply those findings.

1.) Historically, the property has been designated as commercial. The City recognized it's commercial character by giving preliminary approval of a commercial PUD in 1973, which included the subject property. No dramatic change has occurred in the immediately surrounding area which would diminish the property's suitability for limited commercial usage.

2.) The area in which the subject property is located is saturated with multiple family development. Immediately to the east are 48 apartments. Within two miles of the subject property there are literally hundreds of multiple family units. Designating the subject property as Business-Professional-Commercial, rather than Urban Residential would help disperse multiple family dwellings throughout other areas of the City rather than add to the concentration now existing in east Albany.

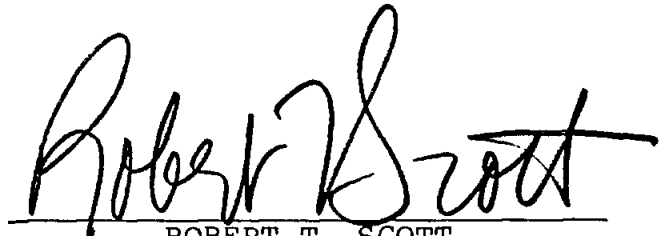
3.) Business-Professional-Commercial use of the property would spread out the use of the arterial streets in the area. Business-Professional users would tend to use the streets during 8:00 AM to 6:00 PM hours. Multiple family development, on the other hand, would add to the already heavy use during the evening hours.

4.) Business-Professional use would eliminate for the most part noise and light problems in the evening hours and, therefore, would benefit the single family residences to the south and west.

5.) A light Business-Professional use would be compatible with both the more intense commercial development to the north and the residential area to the south, east and west.

6.) Applicants have applied for a zone change to R-P Residential-Professional. There is very little Residential-Professional land vacant within the City. A Comprehensive Plan Amendment is necessary to allow the proposed change. The proposed change would be a less intense use of the property than that allowed by the present Urban Residential R-2 designation.

Applicants request a Comprehensive Plan Amendment as to the subject property from Urban Residential to Business-Professional and Commercial, based upon the findings set out above.

A handwritten signature in black ink, reading "Robert T. Scott". The signature is written in a cursive style with a horizontal line underneath the name.

ROBERT T. SCOTT
Attorney for Applicants

JOURNAL NO. 2C-5-78 - ZONE CHANGE REQUEST
OF TAYLOR, JOHNSON AND FOX - COMPLIANCE
WITH LCDC GOALS AND GUIDELINES

1. CITIZEN INVOLVEMENT

Citizen involvement is insured by the City ordinance and state statute requiring a public hearing prior to the grant or denial of the requested change.

2. LAND USE PLANNING

The City of Albany has established a functioning land use planning process. The proposed request is filed pursuant to the established procedures. One of the present problems in determining how to proceed in Albany is that the City has recently adopted a new zoning ordinance, but has not yet completed work on the revised Comprehensive Plan.

The text of the Comprehensive Plan adopted in 1971 is anything but comprehensive. It is a two page document which identifies problems, but sets no goals or guidelines. This is particularly true when discussing business and professional type uses. It is difficult to determine where business and professional uses should be on the plan map, since the plan text does not contain a single sentence addressed to business and professional uses.

Applicants take the position that the Residential Professional zone may fall within two classifications on the Comprehensive Plan map, Commercial or Urban Residential. We base our opinion on the definition of the R-P zone.

"The R-P RESIDENTIAL-PROFESSIONAL DISTRICT provides for a desirable mixing of residential land uses with light commercial uses in possible close proximity to adjacent residential districts. The light commercial uses allowed in this district are selected for their compatibility with residential uses. Such a district

is typically appropriate along arterial streets as a transition or buffer zone between residential districts and more intense commercial or industrial districts."

It is to be noted that the ordinance talks of a desirable mixing of the uses. It also speaks of a transition between commercial and residential districts. It, therefore, seems appropriate that the R-P zone fits equally well in the Urban Residential or in the Commercial designation of our somewhat vague Comprehensive Plan.

3. AGRICULTURAL LANDS- Not Applicable.
4. FOREST LANDS - Not Applicable.
5. OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES - Not Applicable.
6. AIR, WATER AND LAND RESOURCES QUALITY

The proposed amendment allows no industrial usage. No pollution of air, land or water is anticipated. The area is serviced by City sewer and water.

7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The area is not subject to natural disasters or hazards.

8. RECREATIONAL NEEDS

The proposed change may lessen the need for recreational space in the area. Business and professional usage has lessor need for recreational space than does multiple family housing.

9. ECONOMY OF THE STATE

With the growth and increased diversification of Albany's economy, the need for increased and diversified business and professional services has grown. The proposed credit union will serve the many wood products workers in the area and provide them with a necessary savings and lending institution.

10. HOUSING

The interdepartmental memorandum which is a part of the staff report indicates that as of July 6, 1978, there were 238 acres of vacant R-2 Limited Multiple Family property in the City. That allows construction of approximately 3570 additional units. It is a matter of common knowledge that the overwhelming concentration of multiple family land is in East Albany. The area is rapidly reaching the saturation point for multiple family housing. The Comprehensive Plan indicates that multiple family housing should be dispersed throughout the City. It would seem that the less intense Business-Professional use is more appropriate to the subject property than more apartments.

11. PUBLIC FACILITIES AND SERVICES

All public facilities and services are available for the subject property.

12. TRANSPORTATION

The effect on the transportation system of a business and professional operation and multiple family housing would be similar. Both should be located on or near major arterials which Waverly Drive is.

13. ENERGY CONSERVATION

The proposed credit union is to be located in an area where a large number of wood products employees reside. It is also near the primary location of wood products plants. The distance the users would have to drive would be lessened by locating the credit union on Waverly Drive. Energy would be saved.

14. URBANICATION - Not Applicable.

15. WILLAMETTE VALLEY GREENWAY - Not Applicable.

Taylor
Johnson
Fox
Jagel

175.00 foot radius curve right (the long chord of which bears South 74°26'48" West 85.48 feet) a distance of 86.36 feet; thence South 88°35'00" West 61.38 feet to the true place of beginning.

1.20 Acres

Beginning at the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Linn County, Oregon; and running thence North 01°25'00" West 267.86 feet to the southerly right-of-way of a 40.00 foot roadway; thence South 60°18'35" West 69.01 feet; thence southwesterly along a 215.00 foot radius curve right (the long chord of which bears South 74°26'48" West 105.02 feet) a distance of 106.10 feet; thence South 88°35'00" West 71.38 feet to the easterly right-of-way of Waverly Drive; thence South 01°25'00" East 210.00 feet to the north line of said addition; thence North 88°28'00" East along said north line 234.00 feet to the true place of beginning.

275.2 square foot Tract

Beginning at a point which is North 01°25'00" West 267.86 feet from the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Oregon, said point also being on the southerly right-of-way of a 40.00 foot roadway; and running thence North 60°18'35" East 23.09 feet; thence northeasterly along a 345.00 foot radius curve right (the long chord of which bears North 61°27'03" East 13.74 feet) a distance of 13.74 feet; thence South 88°28'00" West 32.56 feet; thence South 01°25'00" East 17.14 feet to the true place of beginning.

0.52 Acre Tract (40' Roadway)

Beginning at a point which is North 01°25'00" West a distance of 285.00 feet from the northwest corner of Lot 4, Block 13, FREEWAY ADDITION to Albany, Linn County, Oregon; and running thence North 88°28'00" East a distance of 32.56 feet; thence northeasterly along a 345.00 foot radius curve right 138.95 feet (the long chord of which bears North 74°07'48" East 139.01 feet); thence North 85°40'05" East 148.21 feet; thence North 04°19'55" West 40.00 feet; thence South 85°40'05" West 148.21 feet; thence southwesterly along a 385.00 foot radius curve left 170.40 feet (the long chord of which bears South 72°59'20" West 169.01 feet); thence South 60°18'35" West 92.10 feet; thence southwesterly along a 175.00 foot radius curve right 86.36 feet (the long chord of which bears South 74°26'48" West 85.48 feet); thence South 88°35'00" West 71.38 feet to the easterly right-of-way of Waverly Drive; thence South 01°25'00" West 40.00 feet; thence leaving said right-of-way North 88°35'00" East 71.38 feet; thence northeasterly along a 215.00 foot radius curve left 106.10 feet (the long chord of which bears North 74°26'48" East 105.02 feet); thence North 60°18'35" East 69.01 feet; thence North 01°25'00" West 17.14 feet to the true place of beginning.