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ORDINANCE NO. 4196

TITLE: AN ORDINANCE AMENDING ORDINANCE #4030, WHICH ADOPTED THE CITY OF ALBANY'S COMPREHENSIVE DEVELOPMENT PLAN, TO PROVIDE FOR THE RECLASSIFICATION OF AGRICULTURAL AND RURAL LAND USE CLASSIFICATION WITHIN AN AREA BOUNDED ON THE NORTH SIDE OF HIGHWAY 20 BETWEEN COMMERCIAL WAY AND GOLDFISH FARM ROAD 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. 7

description)

(see attached legal

is hereby amended in accordance with Exhibit A attached hereto and this amendment shall be known as Comprehensive Development Plan Amendment No. 7.

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.

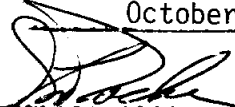
Section 3: EMERGENCY CLAUSE

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 25, 1978

Approved by the Mayor: October 25, 1978

Effective Date: October 25, 1978


MAYOR

ATTEST:


CITY RECORDER

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4196

FINDING OF FACT

The Comprehensive Plan adopted in 1971 and amended in 1977 is in error by designating this particular site as Agricultural and Rural for the following reasons:

- (a) The property is surrounded by both industrial and commercial uses along the north side of Highway 20 and within the Commercial Way Subdivision which borders the subject area to the north and west.
- (b) The property and surrounding area is zoned UHC Urban Highway Commercial (Linn County zoning) and C-2 Community Commercial (City of Albany zoning).
- (c) The area is well within the Preliminary Urban Growth Boundary and serviced by all major utilities.
- (d) The property has no agricultural potential due to its limited size, surrounding uses, and proximity to urban services.

FINDINGS OF FACT

A.) COMPLIANCE WITH THE COMPREHENSIVE PLAN.

The subject property is presently zoned UHC, Urbanizing Highway Commercial, by Linn County. The Albany Comprehensive Plan designates the area as "Agricultural, Farm Residential." Applicants take the position that the "Agricultural, Farm Residential" was not the proper designation at the time the Comprehensive Plan was adopted and that the designation should be changed to either "Light Industrial" or "Commercial."

The subject property is located immediately adjacent to Highway 20 and is surrounded on the other three sides by property which is designated as "Commercial" on the Comprehensive Plan and which has been developed for commercial or light industrial uses. The parcel is only 13.46 acres and is not suitable, by soils or by location, for agricultural use. The Agricultural, Farm Residential designation is improper and should be changed.

In support of a "Commercial" designation for the property, applicants offer the following findings:

1. The property is presently zoned UHC, Urbanizing Highway Commercial, by Linn County.
2. The property is surrounded by other commercial development.
3. Because there is already development to the east, commercial zoning will not extend the commercial strip, but will merely fill vacant land between two commercial developments.
4. The property is not suited for agricultural or residential use.

B.) PUBLIC NEED FOR THE REQUESTED ZONING.

1. Albany's population increases which increases the need for commercial and/or industrial businesses to serve that population.

2. Commercial and Industrial tracts within the City are large, requiring development on a large scale. The size of the subject property would allow for the location of several small businesses to serve the general public.

C.) THE SUBJECT PROPERTY BEST MEETS THE PUBLIC NEED.

Light Industrial uses and Commercial uses related to trades such as plumbing, electrical, building and automotive repair are not generally compatible with residential property, nor are they ideally located in community shopping centers or downtown shopping areas. The subject property from an access standpoint and from a compatibility with neighbors standpoint is best suited for the industrial or commercial uses indicated.

COMPLIANCE WITH LCDC GOALS AND GUIDELINES

1. Citizen Involvement

The City of Albany, by its zoning ordinance, and the State of Oregon, through its statutes dealing with annexation procedures, have insured compliance with the Citizen Involvement goals and guidelines. The ordinance and statutes require public notice, notice to property owners in the surrounding area and public hearings before the City Planning Commission and the City Council.

2. Land Use Planning

The City of Albany has duly adopted a Comprehensive Plan and a Zoning Ordinance. Simultaneously with the annexation decision, the City will evaluate the applicants' zoning request. That zoning request will be evaluated according to standards established by the Courts, the City Ordinance and Comprehensive Plan, and the LCDC Goals and Guidelines. Applicants' findings submitted with the annexation request satisfy the Land Use Planning Goals and Guidelines.

3. Agricultural Lands

The Agricultural Lands Goals and Guidelines are not applicable. The property is not suited for agricultural use, has not been used agriculturally and is too small a parcel to be used for agricultural purposes. It is located near existing businesses which are not compatible with agricultural uses.

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 light industrial or commercial use of the property will not adversely affect the quality of air, water or other natural resources. The land is simply not suited for residential development because of its close proximity to a state highway and to existing industrial and commercial uses. The highest and perhaps only realistic use of the land resource is light industrial or commercial development.

7. Areas Subject to Natural Disasters And Hazards

Not applicable.

8. Recreational Needs

The area is not included in any plans the City has for recreational development. Adequate recreational facilities to serve the nearby area are found at Timber Linn Park.

9. Economy of The State

The development of this relatively small parcel will have no significant effect on the economy of the State. It should be of economic benefit to the City and County by providing additional area for the location of new industrial or commercial operations.

10. Housing

There is no need for additional housing in the East Albany area. Single family and multiple family areas in that area more than fulfill any present needs.

11. Public Facilities And Services

The subject property is within the urban growth boundary of the City of Albany. Urban facilities and services are already extended to close proximity to the subject property. The property is surrounded by other properties which have been annexed to the City. Extension of City facilities and services to the subject property is timely, orderly and efficient development.

12. Transportation

The property is served by Highway 20 and is close to Interstate 5. Access onto Highway 20 will be controlled primarily by the State of Oregon. The City's transportation plan would not be significantly affected by the proposed annexation or requested zoning.

13. Energy Conservation

Not applicable.

14. Urbanization

The subject property is within the Urban Growth Boundary and is practically surrounded by property already annexed. The property has not been used for any "rural" purpose for years. It is located in an urban area and should logically be annexed.

15. Willamette River Greenway

Not applicable.

16. Estuarine Resources

Not applicable.

17. Coastal Shorelines

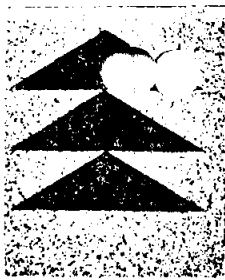
Not applicable.

18. Beaches and Dunes

Not applicable.

19. Ocean Resources

Not applicable.



TIMBERLAND

Services, Inc.

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September 15, 1978

Mr. Robert Scott
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422 SW Fifth Avenue
Albany, Oregon 97321

Estate Builders Annexation

Parcel I - 4.54 Acre Tract (Excluding R/W)

Beginning at a point which is West 557.00 feet and South a distance of 315.01 feet from the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South $89^{\circ} 59' 00''$ West a distance of 482.95 feet; thence South 630.44 feet to the centerline of US Highway No. 20; thence North $89^{\circ} 59' 00''$ East along said centerline 284.95 feet; thence North 490.00 feet; thence North $89^{\circ} 59' 00''$ East 198.00 feet; thence North 140.44 feet to the true place of beginning.

Parcel II - 0.28 Acre Tract (excluding R/W)

Beginning at a point which is West 557.00 feet and South a distance of 545.45 feet from the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South a distance of 400.00 feet to the centerline of US Highway No. 20; thence North $89^{\circ} 59' 00''$ East 33.00 feet; thence North 400.00 feet; thence South $89^{\circ} 59' 00''$ West 33.00 feet to the true place of beginning.

KMW:dod