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ORDINANCE NO. 4234

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 4.46 ACRES OF PROPERTY LOCATED NORTH OF SANTIAM HIGHWAY AND EAST OF PRICE ROAD AS C-2
COMMUNITY COMMERCIAL
AND WITHDRAWING SAID TERRITORY FROM THE Albany RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4225 adopted on the 13th day of December, 1978, dispense with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 27th day of December, 1978, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they are hereby adopted as findings of the Council; now, therefor,

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

Section 1: The following described property to-wit:

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be, annexed to the City of Albany, Oregon, and zoned as C-2.

This ordinance subject to two conditions: (1) Prior to the final approval of this annexation, the pending sewer assessment should be paid; and (2) Site plan review should be required as a condition of annexation to ensure adequate storm drainage construction to carry sufficient flow for the drainage area served through the property. Ordinance No. 4234 48

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Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4225, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

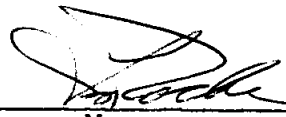
Section 4: Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area to be annexed it is effective and an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

Passed by the Council: December 27, 1978

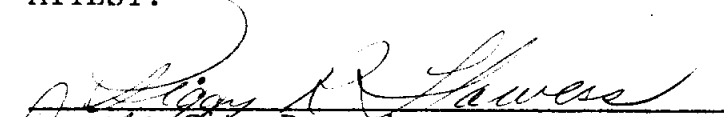
Approved by the Mayor: December 27, 1978

Effective Date: December 27, 1978



Mayor

ATTEST:



City Recorder

REQUEST FOR ANNEXATION, PLAN AMENDMENT, & ZONE CHANGE

Tax Lot 1500, Map No. 11 3W 9A
Linn County, OR.

I. INTRODUCTION

This request is being made for the purpose of developing the subject property and the adjacent parcel to the West for commercial uses of approximately 73,600 square feet (see Conceptual Site Plan).

In order to accomplish this, it will be necessary to have 3 land use actions granted by the City of Albany:

1. Annexation of the property.
2. Amendment of the Comprehensive Plan of the City from "Residential Agricultural & Rural" to "Commercial" at this site.
3. Rezoning of the property from the County "Urban Highway Commercial" (UHC) zone to the City "Community Commercial" (C-2) zone.

The following materials will present a justification of these requests based on 4 primary considerations:

- A. The LCDC Goals and Guidelines (#1-14)
- B. Conformance to the statutory requirements of ORS 215.055.
- C. Demonstration of a public need for the proposed development and of the proposed location best meeting that need.
- D. Demonstration of a lack of significant adverse environmental impact.

II. JUSTIFICATION OF THE REQUESTED ACTIONS

A. LCDC Goals & Guidelines

1. Citizen Involvement - with specific regard to the proposed actions, the public notice procedure of the City will satisfy the citizen involvement requirement by allowing interested and affected persons opportunity to participate in the decision making process.
2. Land Use Planning - the applicable section of this Goal is number 5(B) of the guidelines for "Minor Changes". This section states in part "Minor changes...should be based on...information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established." The materials contained in this application will satisfy this section.

3. Agricultural Lands - although designated as "Residential Ag. and Rural" on the Comprehensive Plan, the subject site is not suited to agricultural use due to it's small size and the fact that the City has already given an indication that this is urban land through it's past actions, specifically:
- a. the provision of sewer and water service to the site; i.e, urban level capital expenditures have been made which will require urbanization of this parcel to recoup and support.
 - b. the surrounding properties are designated on the Plan as Commercial, Urban Residential, and Light Industrial.
 - c. The roads accessing the site will accomodate an urban-level traffic flow.

On the basis of these facts, it appears that the property does not meet the criteria for agricultural lands as given in Goal 3.

4. Forest Lands - not applicable

5. Open Spaces, Scenic and Historic Areas, and Natural Resources - the adopted Comprehensive Plan of the City makes adequate provision for all of the above, and the designation of this isolated parcel as "Commercial" will not in any way affect the component of the Plan addressed in this Goal.

6. Air, Water, and Land Resources Quality - since the property is served by sewer and water, the proposed development will not adversely effect land or water resources quality as long as the City services have adequate capacity to support the developments being served. Due to the increased traffic to be generated by the proposal there will be some air quality impact, but in view of the site's location and it's surroundings this will be minimal. Also, the fact that this is a Community Commercial project and will not bring in any significant number of vehicles from out of the area further mitigates this impact. The net result is, in effect, merely a redistribution of existing vehicle-related air quality impacts.

7. Areas Subject to Natural Disasters and Hazards - not applicable

8. Recreational Needs - these needs are provided for in the Plan and will not be affected by the requested actions.

9. Economy of the State - the development of this property will contribute to the economic base of the area by providing additional employment, increasing the tax base, and increasing the volume of retail trade and banking. In view of Linn County's levels of disposable income, unemployment, and persons below the

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poverty level, all of which are in need of improvement with respect to State levels (disposable income: -15.85%; unemployment: +2.6%; persons below poverty level: +1.8%), it would appear that this project would have a beneficial net economic result.

10. Housing - not applicable.

11. Public Facilities and Services - funds for capital improvements (sewers, water systems, and roads) and for other urban services (police, fire protection, etc.) have already been expended in the area containing the subject site, and the capacities of these services are adequate to support it's development. No extension of the service boundaries or expansion of capacities would be required as a result of the approval of this application.

12. Transportation - annexation and development of this property will not conflict with Albany's transportation plan, nor will it require any modification to the existing plan.

13. Energy Conservation - the aspect of energy conservation most directly related to this project is gasoline consumption. Located on the Santiam Hwy. just East of Interstate 5, the site's location is ideal in terms of conservation since it will permit quick, direct travel to and from the development, reducing both vehicle miles and vehicle hours per trip in comparison to other parcels available for commercial use.

14. Urbanization - the stated intent of the Urbanization Goal is "to provide for an orderly and efficient transition from rural to urban land use". This parcel's current designation is in conflict with this Goal, since it is a small, isolated pocket of rural-designation land entirely surrounded by urban lands. Annexation and rezoning of the property will eliminate this discrepancy in the current plan.

(Goals 15 - 19 are not applicable)

B. Conformance to the Statutory Requirements of ORS 215.055

1. Characteristics of the area

physical - the site is gently sloping down to the North, with and average grade of about 4% over the Southern portion and of about 2% over the Northern half. A small drainage feature crosses the Northern part of the property from West to Northeast,

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coming from the South at Hwy. 20 along the Easterly property line. There is an existing residence with a garage and two out-buildings at the Southwest corner. A few trees are scattered over the site.

sociological - the area is currently mostly commercial, with a single family subdivision to the South across Hwy. 20 and a large area designated as residential on the Albany Plan to the North. The proposed development is compatible with the ambience of the area.

2. Suitability of the area for the particular land uses and improvements - with sewer, water, and adequate roads available, the property is suited to development. The soils have adequate bearing strength for building foundations and drives, and the topography presents no difficulties or hazards.
3. Land uses and improvements in the area -
North - vacant land designated on the Plan as Urban Residential and Light Industrial.
South - a single family subdivision of approximately 32 units and some scattered commercial development.
West - the Swept Wing motel.
East - the "Commercial Way" development.
4. Trends in land improvement - the only ongoing development is the Commercial Way project to the East.
5. Density of development in the area - the lands North, East, and West are either fallow or commercial, and so do not fall under this concern. The residential area to the South is developed at approximately 3 du/AC.
6. Property values - the use of this property for a commercial development is not expected to adversely effect neighboring property values, since the surrounding lands are already in like or compatible uses and the proposed use is consistent with the intent of the planning for the area.
7. The needs for economic enterprise - since this request is for an economic enterprise, the concern here is whether or not other enterprises would be required to provide goods and services to the businesses which will occupy this development, and given the size of the Albany market and it's level of commercial development, a relatively small use such as the one planned will not create over-burdening on the existing support structure.

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- 8. Needed access - access to the subject site is from Hwy. 20. Upon development (which will include the adjacent parcel to the West), the site will also have access from Price Road. In addition, the Interstate 5 interchange is immediately to the West, less than $\frac{1}{4}$ mile away. Both Price Road and Hwy. 20 have adequate capacity to serve the development.
- 9. Natural resources - see items no. A.5 and A.6, LCDC Goals and Guidelines section.
- 10. Public needs for healthful, safe, aesthetic surroundings and conditions - primarily a function of site planning and design, these needs can best be satisfied by careful attention to the building placements, parking lot and drive designs, and landscaping of the project, and can be guaranteed by City review to the site plan prior to construction.

C. Demonstration of Public Need and of Proposed Location Best Meeting that Need

The determination of public need for a commercial development is based primarily on 4 criteria:

- 1. Population to be serviced.
- 2. Projected population growth.
- 3. Disposable income level of the area.
- 4. Availability of other commercial enterprises of the type proposed.

We use as a base assumption that Albany's current level of Community commercial development can adequately serve the population of the City's urban growth boundary at at least a minimum service level until mid-1979 or 1980 without sacrificing quality of service or reducing competition to inflationary levels. This based on the City's existing amount of Community Commercial floor space (estimated at approximately 720,000 GFA) in the following categories:

- 1. Food service.
- 2. Clothing and shoes.
- 3. Furniture.
- 4. Other retail
 - Drugs
 - Cards and gifts
 - Liquor and Wine
- 5. Services (other than food).
- 6. Financial
- 7. Professional offices,

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and the average per capita minimum space requirement of these uses, which is approximately 18.6 square feet/capita. (1972 Census of Retail Trade and Selected Service, U.S. Department of Commerce.)

The proposed development is expected to be fully occupied by mid-1980 or 1981, at which time the population of the Albany area (i.e., within the Urban Growth Boundary) is projected to be 41,305 persons, an increase of approximately 2300 persons over the 1978 population. This increase would require an additional 62,384 square feet of commercial space at minimum requirement levels. However, items 3 & 4 of the criteria mentioned at the beginning of this section enter in at this point: disposable income and availability of other commercial enterprises of the type proposed. The effect of these factors is to boost the ratio of commercial floor space per capita desirable in a given area.

The average per capita disposable income in Albany is now around \$4800, up from \$2676 in 1970. With this increase (and discounting for inflation), consumers have a greater range of discretionary spending to work within, and will typically increase their level of spending on non-essential goods and services. This effect has led to the great increase in the number of small boutiques and "exclusive" shops of all kinds in the past decade.

Shops meeting this segment of the market demand will not generally choose to locate in the commercial strip type of development prevalent in Albany. They prefer a mall styp setting wherever possible, an option not now generally available in the area.

With respect to the proposed development, then, we come to the following conclusions:

1. Increasing population of the area alone will create a need for at least a portion of the development.
2. Albany is limited in the number of locations available suited to the need for aesthetic, pleasant, mall-type shopping environments which are necessary if consumers are spend their discretionary income in the local area.

Therefore, it appears that the project being considered here would:

1. Meet an actual public need for this type of commercial development.
2. Strengthen Albany's economic structure by keeping discretionary dollars within the local market.
3. Expand consumer options.
4. Provide a well-designed shopping environment not now generally available outside of the City center area.

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There is a body of evidence indicating that the proposed location is best in terms of meeting the need determined in the foregoing materials. First of all, this site has excellent access, being on the Santiam Highway (a major transportation corridor for the area) and less than $\frac{1}{4}$ mile from Interstate 5. This quality of access will allow the traffic generated to be rapidly distributed into the local street system upon leaving the development, and minimizes congestion during high-use periods. In addition, the property is located at a street intersection (Price Road and Hwy. 20), a desirable condition for control of traffic flow and parking lot design. Surrounding land uses and designations are highly compatible with the proposed development, consisting of residential uses North and South, commercial to the East and West, and light industrial to the Northwest....with the combination of access and surroundings found at this location, its anticipated that that the project will function both as a community level commercial center and will also fulfill some of the functions of a neighborhood level use. The size of the entire site upon which this center will be built (6.75 acres - the project site includes the parcel to the West along Price Road which is already zoned C-2) is ideal for a community commercial use, (The generalized range of acceptable site sizes for community commercial is 4 to 8 acres) providing ample space for the buildings, parking, and sufficient landscaping to create an aesthetically pleasing development.

D. Demonstration of Lack of Adverse Environmental Impact

Adverse impacts which might occur as a result of a commercial development of the type proposed consist of the following:

1. Increased traffic.
2. Increased noise.
3. Aesthetic problems.

These problems can be avoided in the proposed development, as discussed below:

1. Traffic - the development is expected to generate approximately 27.6 ADT per 1000 GFA, distributed as follows:
 - 9 to 11 AM: 18% of total ADT (9% per hour)
 - 11 AM to 8 PM: 64% of total ADT (7.1% per hour)
 - 8 to 10 PM: 18% of total ADT (9% per hour)

With the proposed size of 73,600 GFA, total traffic generation would be 2032 ADT. Present traffic volume on Hwy. 20 is 7600 ADT. While 2032 ADT is a significant traffic impact, the property's proximity to Interstate 5 and it's direct access to Hwy. 20 mitigate this effect and no undue adverse impact in terms of congestion or accident rate is anticipated, and local streets will not be affected.

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2. Noise - as the Santiam Highway is presently a major arterial for the area, traffic noise will not be appreciably altered by the development. An aside to this is that this location may lead to the combining of trips to this use with other trips, a possibility which would result in energy savings when compared to other commercial sites with locations on less heavily traveled streets or streets connecting fewer areas.
3. Aesthetics - City review of the proposed development plans and its conformance to the Plan and ordinances will provide sufficient guarantee that the completed project will maintain a high level of aesthetic quality.

III. STATEMENT OF INTENDED USE

The proposed development will contain four general types of use:

1. Banking - a free standing bank building with its own parking area. The bank would have approximately 12,000 square feet of floor area. This located at the Southeast corner.
2. Retail shops and restaurants - 30,800 square feet on the ground floor of the mall.
3. Professional offices - 19,200 square feet of the second floor of the mall, on the North, South, and West sides.
4. Motel units - 11,600 square feet of motel units designed to serve the Swept Wing clientele which generally engages rooms for stays of 1 to 6 weeks.

Parking will be provided at the rates provided for in the zoning ordinance.

IV. CONCLUSIONS

The foregoing materials have shown the subject proposal to be consistent with LCDC Goals and Guidelines and the requirements of ORS 215.055. The development would meet a public need for easily accessible, appropriately located, and aesthetically pleasing shopping facilities, and the project would not have significant adverse environmental impact. On the basis of these findings, we feel the requested annexation, plan amendment, and zone change are appropriate actions and should be granted.

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METES AND BOUNDS

Beginning at a point which bears 33.15 chains West of the Southeast corner of the J. B. Parrish D.L.C, thence West 198.0 feet, thence North 120.0 feet to the point of beginning; thence North 759.37 feet; thence South $89^{\circ}34'15''$ West 250.05 feet; thence South $0^{\circ}11'00''$ East 802.33 feet; thence North $79^{\circ}43'50''$ West 251.50 feet to the point of beginning.

Containing 4.46 acres.

See Map 11 3W 9B

City of Albany
Engineering Dep't.
'Ryan' Annexation
January 1979



501
5 b
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REGISTERED
PROFESSIONAL
LAND SURVEYOR

T. Wayne Hickey 9-4

OREGON
SEPTEMBER 12, 1977
T. WAYNE HICKEY
5001215

ANNEXATION
BOUNDARY

COMMERCIAL WAY SUBDIVISION

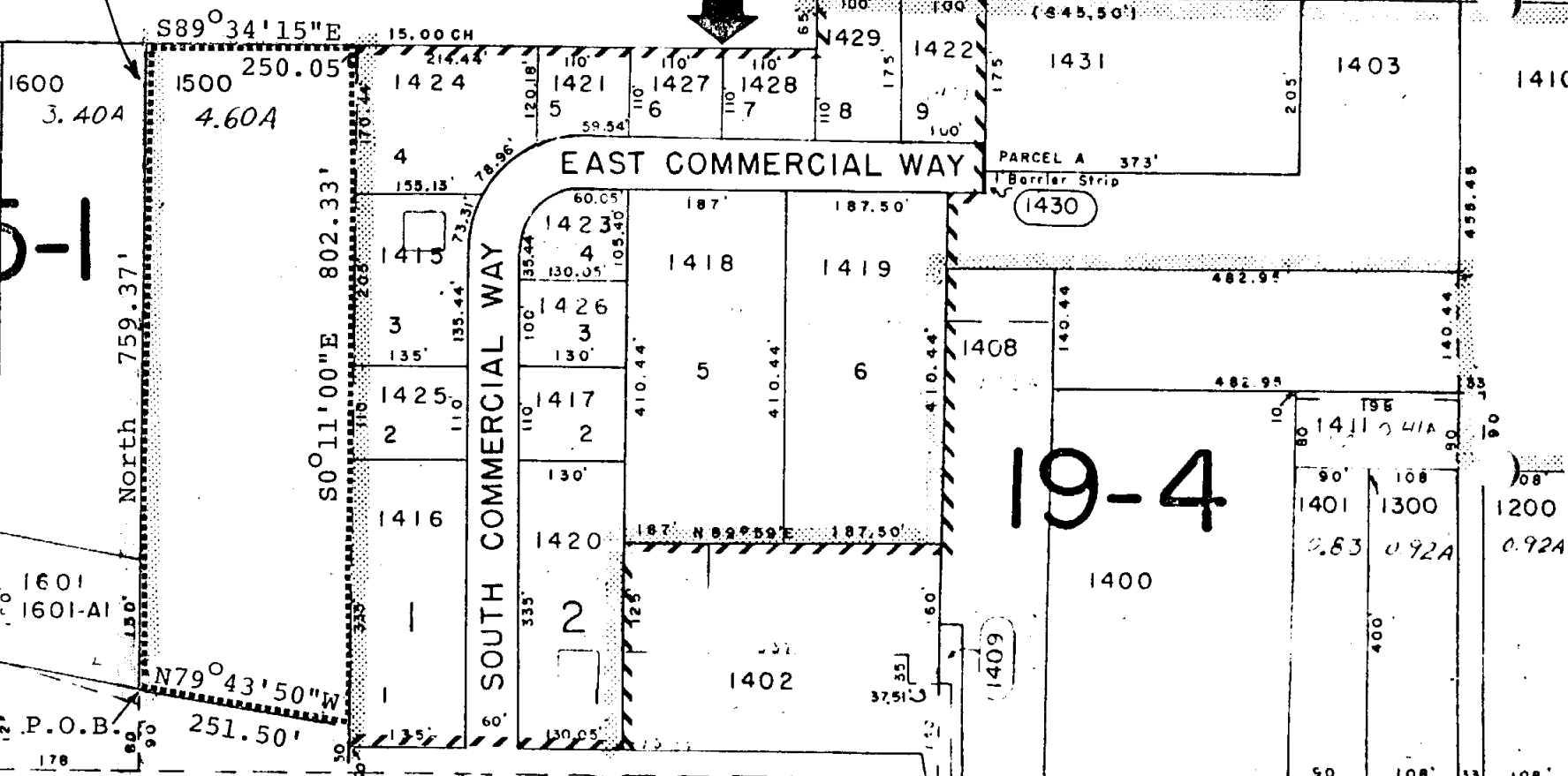


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19-4

8.06 CH

13.34 CH

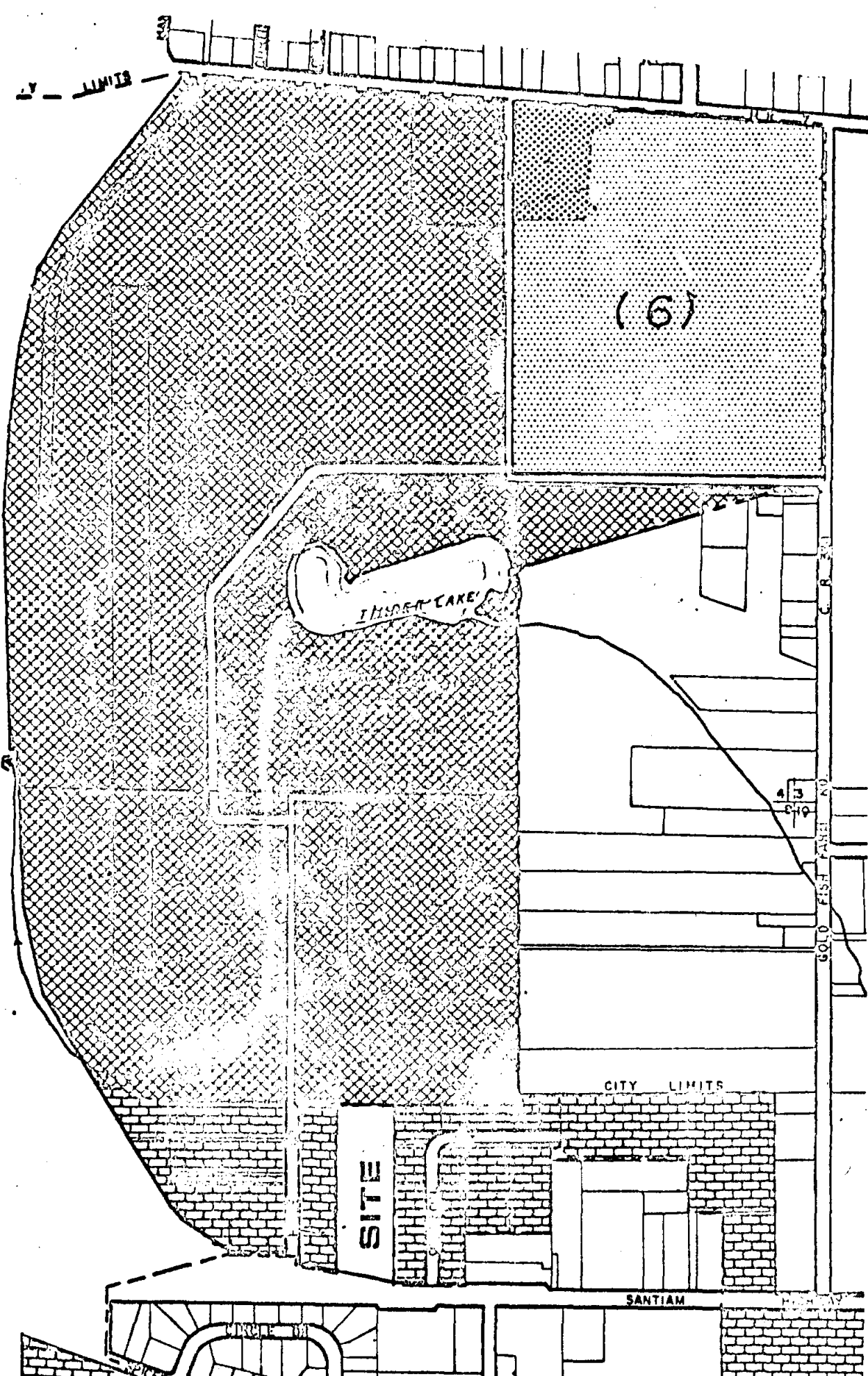


SANTIAM HWY. U.S. 20

METES AND BOUNDS

Beginning at a point which bears 33.15 chains West of the Southeast corner of the J.B. Parrish D.L.C, thence East 198.0 feet, thence North 120.0 feet to the point of beginning; thence North 759.37 feet; thence South $89^{\circ}34'15''$ East 250.05 feet; thence South $0^{\circ}11'00''$ East 802.33 feet; thence North $79^{\circ}43'50''$ West 251.50 feet to the point of beginning.

Containing 4.46 acres.



SEE MAP D

SITE

CITY LIMITS

SANTIAM

GOLD FISH PASE NO. C.R. 501

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C.P.

WINDY