

ORDINANCE NO. 4130

F1

AN ORDINANCE ANNEXING A PORTION OF ISLAND AREA A, EAST OF GEARY AND NORTH OF QUEEN AND ZONING THE PROPERTY OF 14TH AVENUE AS R-2 AND THE FRED MEYER/REPUBLIC DEVELOPMENT PROPERTY AS C-2 AND DECLARING AN EMERGENCY.

WHEREAS, on the 12th day of April, 1978, at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 4123, wherein it was provided that a public hearing would be held on the 26th day of April, 1978, concerning the advisability of annexing a portion of Island Area A, east of Geary and north of Queen; and

WHEREAS, the hearing was duly held on the 26th day of April 1978, and at that time the Council determined that the Notices of Hearing had been given as provided in the said Ordinance, and pursuant to the terms of ORS 222.111, 222.120 and 222.170, and

WHEREAS, the Council after said hearing determined that the area described herein be annexed and zoned R-2 (property south of 14th Avenue) and C-2 (Fred Meyer/Republic Development property).

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

Section 1: That the following described property be and is hereby annexed to the City of Albany, to-wit: a portion of Island Area A, east of Geary and north of Queen.

(see attached legal description)

Section 1a: Findings of Fact.

(see attached findings)

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4130

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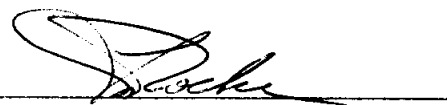
Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

Section 3: WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and that the City facilities be made available to this property; 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: May 10, 1978


Approved by the Mayor: May 10, 1978

Effective Date: May 10, 1978



Mayor

ATTEST:

Deputy   
Deputy City Recorder

## 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 residential and 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. A need exists for high density multiple family housing near commercial service centers.
11. With respect to the need for adding additional commercial land to the zoning and comprehensive plan portions of the request, the following findings should be considered:
  - (a) The City presently has approximately 404 acres of commercial zoned properties (C-1, C-2, C-3 and RP) representing approximately 9 percent of the total zoned acreage in the City. A study by the University of Oregon Urban and Regional Planning Department entitled, "The Urban Growth Boundary Handbook" indicates that the average Oregon City (excluding SMSA's) utilizes 4% of its land area for commercial development.
  - (b) The existing commercial zoned land between Waverly Drive and Geary Street south of Santiam contains 36.7 acres which, when added with the 20 acres south of Fred Meyer's, would total 56.7 acres. The addition of the parcels west of Clay Street would bring this total to 83.7 acres. In comparison, the Valley River Center property in Eugene contains 62 acres and Lancaster Mall in Salem contains 38 acres.

- (c) The addition of this much commercial zoning in this area would have a substantial impact on the redevelopment efforts in the downtown.
- (d) The present conceptual street plan and existing arterial street system for the area bounded by Geary, Santiam, Waverly, and Queen were based upon the present comprehensive plan for this area. The potential of a major shopping center facility or even 47 acres of piecemeal commercial development will have a dramatic impact upon the existing arterial system and will create a need for additional transportation planning and major facility improvements.
- (e) 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; however, the quasi-judicial question of "can this location best meet that public need versus other locations which have been studied in the past?" has not been adequately addressed.

12. 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.
- (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 annexation and multiple family residential zoning of much of this area 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.
- (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.

aph

Parcel - A ' 113W 84D

Beginning at a point which is N 1° 35' W 780.12' and N 88° 25' E 30.0' from the southeast corner of A. Hackleman D.L.C. #62, in T. 11 S. , R. 3W. of the Willamette Meridian, Linn Co., Oregon; thence,

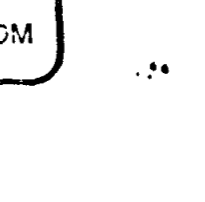
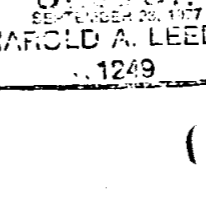
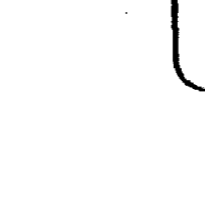
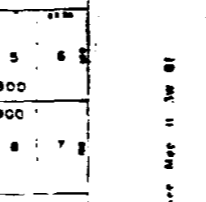
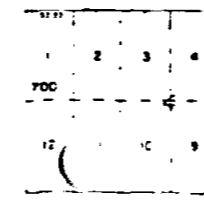
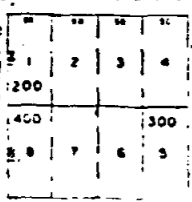
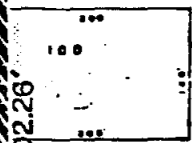
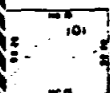
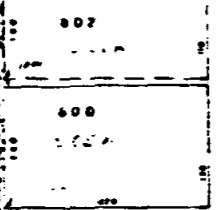
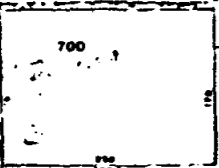
N 1° 35' W, 502.26' along the east right-of-way line of Geary St.; thence  
N 88° 25' E, 1125.3'; thence  
N 1° 25' W, 775.79'; thence  
N 85° 18' E, 499.0'; thence  
S 1° 29' E, 230.0; thence  
N. 88° 32' E, 800.0'; thence  
S 1° 28' E, 520.0; thence  
N 89° 05' W, 50.0; thence  
S 1° 28' E, 175.0'; thence  
N 89° 05' W, 1272.5'; thence  
S 1° 35' E, 452.0'; thence  
S 88° 25' W, 1128.6' along the north right-of-way line of 15th Avenue to the point of beginning.

See Map 11 3w 80C

STREET  
GEARY

N 1° 35' W 780.12 FT

STIC



N 88° 25' E  
1125.3'

N 1° 25' W  
775.79'

S 1° 35' E  
452.0 FT

N 85° 18' E  
499.0 FT

S 1° 29' E  
230.0 FT

N 88° 32' E  
800.0 FT

N 89° 05' W  
50.00 FT

S 1° 28' E  
520.0 FT

S 1° 28' E  
175.0 FT

N 89° 05' W  
1272.5 FT

See Map 11 3w 80D

N 88° 25' E  
30.0 FT

PQB

S 88° 25' W  
1128.5 FT

SE COP A  
HACKLEMAN  
DLC # 62

SIXTEEN (W)

ALENE

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

GRACON  
SEPTEMBER 28, 1977  
HAROLD A. LEEDOM  
1249

PARCEL 'A'  
113W 8AD

See Map 11 3w 80E