

ORDINANCE NO. 4920

TITLE: ZONE CHANGE AMENDMENT NO. 24 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, AND PROVIDING FOR THE REZONING OF PROPERTY LOCATED ON THE SOUTHWEST CORNER OF PACIFIC BOULEVARD SW AND 37TH AVENUE SW AND ADOPTING ATTACHED EXHIBIT "A" KNOWN AS "FINDINGS."

WHEREAS the Planning Commission of the City of Albany has held such hearings as are required by 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 described below; and

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. EXHIBIT "A"

Exhibit "A" known as "Findings" is hereby adopted as the Albany City Council's findings in support of this decision.

Section 2. PLANNING DEPARTMENT ZONE CHANGE CASE NO. ZC-03-90

The official Albany Zoning Map is hereby amended from R-1 (Single Family Residential) to R-2 (Limited Multiple Family Residential) for an area described as follows: (see attached legal description Exhibit "B") is hereby rezoned as R-2 (Multiple Family Residential) and will be known as Zone Change Amendment No. 24.

Section 3. PLANNING DEPARTMENT SITE PLAN REVIEW CASE NO. SP-51-90

This Site Plan Review is hereby approved for an area described in Exhibit B subject to the conditions of approval listed in Exhibit C.

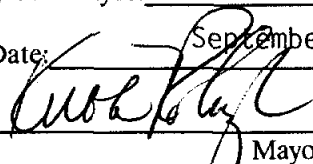
Section 4. COPY FILED

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.

Passed by the Council: August 8, 1990

Approved by the Mayor: August 9, 1990

Effective Date: September 7, 1990



Mayor

ATTEST:



City Recorder

EXHIBIT A

FINDINGS FOR APPROVAL
CASE NO. ZC-03-90

1. The subject property is located adjacent to a designated Principal Arterial street (Pacific Boulevard) and the proposed attached units will have no greater impact on the usage of 37th Avenue or Pacific Boulevard than 2 attached and 2 detached units.
2. Public facilities (i.e. paved streets, sewer, water, and storm drainage) are adequate to serve the proposed development. Sidewalks and individual private sewer laterals and water meters will be installed to serve each unit at the time development occurs on the site.
3. There are no significant natural features on the site.
4. The proposed duplexes are compatible with the surrounding residential density and with the duplex unit located to the immediate west of the subject property.
5. The proposed use is in compliance with the applicable Goals and Policies of the Albany Comprehensive Plan relating to residential development.
6. The proposed use will meet the intent of the R-2 (Limited Multiple Family Residential) zoning district which is to provide primarily for low- to medium-density residential development.

EXHIBIT B

LEGAL DESCRIPTION FOR CASE NO. ZC-03-90

EXHIBIT "A"

Beginning at a 1/2 inch iron rod at the Northeast corner of that parcel conveyed to Janette M. Robbins and described in deed recorded in MF Volume 255, Page 832, Linn County Microfilm Records, which is 266.02 feet South 89° 22' 51" East of the Northeast corner of Tract 49 of Calapooya Acres in Township 11 South, Range 4 West, Willamette Base and Meridian, Linn County, Oregon; thence South 89° 22' 51" East 195.51 feet to the West line of the Pacific Highway as described in MF Volume 411, Page 520, said Microfilm Records; thence along the West line of said Pacific Highway South 3° 37' 20" East 3.58 feet; thence on a 5987.13 foot radius curve right 106.77 feet, the chord of which bears South 3° 36' 20" East 106.77 feet; thence North 89° 22' 51" West 203.71 feet to a 1/2 inch iron rod at the Southeast corner of said Robbins Parcel; thence North 0° 38' 11" East 110.04 feet to the point of beginning.

EXHIBIT C

CONDITIONS OF APPROVAL FOR CASE NO. SP-51-90

1. Development shall occur in substantial conformance to the plans submitted for review and approval subject to the conditions noted below. Any changes to the approved Site Plan must be approved by the Planning Division.
2. Prior to issuance of Building Permits, the applicants shall submit a Petition for Improvement/Waiver of Remonstrance for the future construction of 37th Avenue to City standards adjacent to Tax Lot 215. The City will provide this form and will mail it to the applicants for notarized signatures within 5 working days of the effective date of the Zone Change approval.
3. Prior to doing any work in the public right-of-way, an Encroachment Permit must be acquired from the City of Albany Engineering Division. Contact Andy Foster at 967-4300 regarding acquisition of this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way.
4. Prior to doing any work in the State right-of-way, an Encroachment Permit must be acquired from the State of Oregon Transportation Department and the City of Albany Public Works Department. Contact Lew Morehead (ODOT) at 757-4211 and Andy Foster (C of A) at 967-4300 regarding acquisition of this permit. The City of Albany's Engineering Division will inspect all work performed in the public right-of-way. Where regulations of the City and State may conflict the more restrictive requirements shall apply.
5. Follow the City of Albany Standard Construction Specifications for all work in the City right-of-way.
6. Water service to the new building is not shown on the submitted Site Plan. Prior to issuance of Building Permits, the intended meter locations and sizes are to be shown on the plans. The requirements for installing new services and meters are issued by the Building Division. In addition, the size of the new water service lines need to be indicated on the plans submitted for Building Permit issuance. This requirement is placed to ensure that the service line head loss is not excessive, resulting in a water pressure reduction at the building.
7. Construct 4-foot wide sidewalk with a minimum 4-foot wide planter strip adjacent to 37th Avenue to City specifications for the length of Tax Lot 215 prior to occupancy of the proposed buildings.
8. It is unknown at this time if a backflow protection assembly will be required for this project to protect the public water system from backflow from the private system (including irrigation lines). Early in the project and prior to occupancy of the building, verify if an assembly is required or already exists. If the assembly already exists, it shall be tested at the applicant's expense within 60 days of occupancy of the building and thereafter tested annually at the applicant's cost. Contact Jeni Richardson, Public Works Engineering Division at 967-4300, Extension 388 for assistance with installation requirements.
9. The applicants are responsible for obtaining utility locates. This can be done by calling 752-8631. A City representative must be present when any public utilities are exposed. Prior to beginning any work around the public sanitary or storm sewer, the applicant must contact Willis Hill, Public Works Operations Division, at 967-4329. Prior to beginning any work around the public water line, the applicant must contact Tom Ziomek, Public Works Operations Division, at 967-4329.
10. Submit Landscape Plan to the Planning Division for review and approval prior to occupancy of the building. Landscaping required adjacent to Pacific Boulevard SW:
 - a. Three (3) street trees a minimum of 6 feet in height at time of planting.
 - b. Twenty (20) five-gallon shrubs or thirty (30) one-gallon shrubs.
 - c. The remaining area treated with attractive ground cover (i.e. lawn, bark, rock, ivy, evergreen shrubs, etc.).
 - d. In addition: (1) one row of evergreen shrubs shall be planted which will grow to form a continuous hedge at least four feet in height within two years of planting, or (2) a minimum of a five-foot fence or masonry wall shall be constructed which shall provide uniform sight-obscuring screen, or (3) an earth berm combined with evergreen plantings or fence shall be provided which shall form a sight and noise buffer at least six feet in height within two years of installation.

Landscaping required adjacent 37th Avenue SW:

- a. Four (4) street trees a minimum of 6 feet in height at time of planting and spaced not more than 45 feet apart.
 - b. Twelve (12) five-gallon shrubs or eighteen (18) one-gallon shrubs.
 - c. The remaining area treated with attractive ground cover (i.e. lawn, bark, rock, ivy, evergreen shrubs, etc.).
11. Landscaping shall be installed prior to a Final Occupancy Permit being issued for the building or within 90 days of issuance of a Temporary Occupancy Permit or the applicant may submit a landscape completion guarantee equal to 110% of the estimated cost of the required landscaping which shall be forfeited to the City of Albany if landscaping is not completed within one year of completion of the building.
 12. No trees, shrubs, or signs may be located within any vision clearance area which prohibits structures or planting that would impede visibility between the heights of two feet and eight feet. A clear vision area shall consist of a triangular area, two sides of which are lot lines or a driveway, and the third side of which is a line across the corner of the lot joining the non-intersecting ends of the two sides. For a commercial driveway, the measurement along the lot line and driveway shall be 15 feet and for Pacific Boulevard and 37th Avenue, the measurement for the two sides is 30 feet.

The applicants should be aware that the following items are not conditions of Site Plan Review but are Uniform Building Code and/or Fire and Life Safety Code requirements which must also be addressed:

1. Submit minimum of two sets of building plans to the Building Division for review and approval with application for building permits prior to construction.
2. Obtain all necessary Building Permits prior to construction.
3. Obtain Electrical Permits from Linn County Building Department.
4. Provide one (1) approved 2A10BC on-site fire extinguisher during construction.
5. The owner/occupant must comply with all aspects of the Uniform Fire Code as they pertain to this particular type of occupancy.
6. A fire inspection and life safety inspection by the Fire Department is required prior to occupancy of the building. Contact Jim Mackie or Dennis Haney at 967-4302 to schedule an inspection.
7. An approved address must be posted on each unit, visible from the street prior to occupancy of the building. Numbers must be no less than three (3) inches in height and shall be painted upon or affixed to the building in a contrasting and highly visible color.
8. Excavation tailings are to be stockpiled in a manner that will facilitate vegetation mowing.