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ORDINANCE NO. 4310

TITLE: ZONE CHANGE AMENDMENT NO. 148, UNDER ORDINANCE NO. 4273 REZONING
.8 ACRES LOCATED AT THE SOUTHEAST CORNER OF FRONT AND DAVIDSON FROM
R-2 LIMITED MULTIPLE FAMILY TO M-2 LIGHT INDUSTRIAL AND DECLARING
AN EMERGENCY.

WHEREAS, the Planning and Zoning 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 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 above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

See attached findings

and,

WHEREAS, It is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

Not Applicable

now, therefore,

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

Section 1: ZONE CHANGE AMENDMENT NO. 148

An area described as follows:

11-3W-5DB, TL 3800, 3801, 3900

is hereby rezoned as M-2 Light Indus. and this amendment shall be known as zone change amendment number 148 .

Section 2: 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.

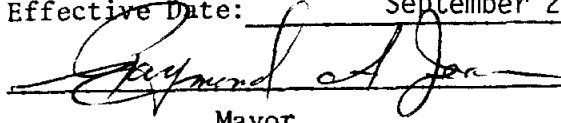
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4310

Section 3: EMERGENCY CLAUSE. Inasmuch as the peace, health and safety of the persons who live or own property within the area to receive a zone change amendment is affected, 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: September 26, 1979

Approved by the Mayor: September 26, 1979

Effective Date: September 26, 1979



Mayor

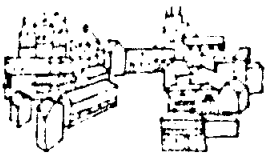
(Council President acting as Mayor)

ATTEST:



City Recorder

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CITY OF ALBANY
 PLANNING DEPARTMENT
 STAFF REPORT

TELEPHONE: 967-4318

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Type of Request: Zone Change, R-2 to M-2; Comprehensive Plan Amendment, Light Industrial Urban Residential to
 Hearing Date: September 10, 1979 Hearing Body: Planning Commission
 Applicant's Name: City of Albany/Mickle File Number: ZC-4-79
 Property Location: Southeast Corner Front & Davidson / 11-3W-5DB, 3800, 3801, 3900
Assessor's Map and Tax Lot No.
 Current Comprehensive Plan designation/zoning: Urban Residential/R-2

REQUEST SUMMARY

On August 6, 1979, the Planning Commission considered and approved a modification to the existing restaurant on tax lot 3801 in the Willamette Neighborhood to allow a 25% expansion of the facility, and directed staff to prepare a zone change application for the three tax lots between the railroad tracks, Front and Davidson Streets to a zone that would permit a restaurant without special conditions.

BACKGROUND INFORMATION

Restaurants are permitted by right in the C-2 and C-3 commercial zones, and in all the industrial zones. Due to the fact that the site is bordered by industrially zoned property and the railroad tracks, the staff is recommending M-2, Light Industrial zoning. The M-2 zone is designed "to provide for a wide range of manufacturing, warehousing, processing, and related establishments which have a limited impact on surrounding properties. This district is particularly suited to areas having good rail and/or highway access."

FINDINGS

1. Of Public Need
 - A. There are approximately 380 acres in the Willamette Neighborhood, exclusive rights-of-way and approximately 30 or 8.6% of these acres are zoned for industrial uses. This compares to an average for the urban growth area of 9.5% zoned industrially. The Willamette Neighborhood includes a smaller percentage of industrially zoned land than does the urban growth area as a whole.
 - B. Of approximately 30 acres zoned industrially in the Willamette Neighborhood 6, or 20%, are vacant. Every other neighborhood with the exception of Central and East Albany has 35% or more of its industrially zoned land vacant (see chart next page). This vacant industrial land provides alternative opportunities to new industrial developments. The Willamette Neighborhood needs additional industrially zoned land to provide new industrial locations.

<u>Neighborhood</u>	<u>Approximate Number of Acres Zoned Industrially</u>	<u>Approximate Percentage of Industrially Zoned Land Vacant</u>
Central	4.5	2%
East Albany	270	17%
Willamette	30	20%
Oak	75	35%
West Albany	200	50%
Jackson-Hill	84	65%
South Albany	284	66%

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2. Of Special Appropriateness of this Location

This particular site is not a desirable site for residential development in the Willamette neighborhood because of its location between the railroad tracks and the sewage treatment plant. Conversely, the site is appropriate for Light Industrial/M-2 uses because of its proximity to other such uses. The site could appropriately be developed to provide heavy industrial supportive facilities such as the restaurant on tax lot 3801. There are no sites within the Willamette Neighborhood that could be more appropriately designated for industrial use because none have the unique situation of being surrounded by collector streets and a railroad on all sides.

3. Of compatibility with the Goals and Policies of the Comprehensive Plan

- A. The Comprehensive Plan calls for the provision of "well-located sites which (can) accommodate new industry and are compatible with residential development;" and states that "all industrial zones should be in Fire Zone 2." Development of the proposed site is possible such that it would be included in Fire Zone 2; the site is well located in terms of being able to accommodate new light industry and supportive services; and was designated for "public services" and "industry" when the Comprehensive Plan was originally adopted in 1971.
- B. The Comprehensive Plan states that "Multiple Family dwelling should be dispersed..." Reducing the availability of multiple family zoned land by .8 acres in the Willamette Neighborhood will support this goal. The Willamette Neighborhood is currently more predominantly zoned for multiple family uses than is any neighborhood in the urban growth area and some other uses are needed in the neighborhood to help disperse the multiple family units throughout the City. There are two rental units on tax lot 3800 included within the proposed zone change area which could be eliminated should this zone change/comprehensive plan amendment occur, but there are over 1000 dwelling units already existing in the neighborhood.

4. Of consistency with relevance to LCDC Goals and Guidelines

- A. Citizen Involvement - procedures being followed in considering this application conform to the City's Citizen Involvement Program (CIP) and involve public hearings and notification of neighborhood association chairpersons.
- B. Land Use Planning - The proposed comprehensive plan and zoning change is recommended on the basis of information about the site dealing with the fact that there is no natural resource on the site, utilities are available to the site, the proposed change will not significantly affect the population of the area, and the change does not need to be reviewed by other agencies as the property is already within the City limits.

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4. Of consistency with relevant LCDC Goals and Guidelines (continued)

- C. Agricultural Land - not applicable.
- D. Forest Lands - not applicable.
- E. Open Spaces, Scenic and Historic Areas and Natural Resources - the area is already developed and an expansion of uses on the site will not affect its value as a scenic, historic, open space or natural resource site.
- F. Air, water, and land resource quality - Expansion of the existing restaurant and development of light industrial uses in the area will not have a significant impact on the air, water, and land quality because of the fact that the area is already surrounded by industrial uses and is provided with public water and sewer service.
- G. Areas subject to natural disasters and hazards - area is not in or near a flood plain or any other natural hazard.
- H. Recreation - the area is not designated for recreational uses on the comprehensive plan nor is it needed for recreational purposes.
- I. Economy - This goal calls for plans to "strongly emphasize the expansion of and increased productivity from existing industries and firms as a means to strengthen local and regional economic development." Designating the site for industrial uses and zoning at M-2 will allow support industry to develop and the existing restaurant which serves the industrial plant employees to expand and provide its supportive service to the industry which surrounds it.
- J. Housing - Changing the plan designation and zoning of this property from Urban Residential/R-2 to Light Industrial/M-2 will reduce the amount of multiple family zoned/designated property in the Willamette Neighborhood from approximately 20.7 to 20 acres. The Willamette neighborhood has more acreage zoned for multiple family uses than any neighborhood in the urban growth area regardless of size, and a higher percentage of property zoned for multiple family uses than any other neighborhood. The Housing Goal encourages "the availability of adequate numbers of housing units... and allows for flexibility of housing location, type and density." The Willamette Neighborhood already has above average amount of land designated for multiple family development and conversion of less than one acre of this land to industrial use will not significantly affect the neighborhood's housing stock. In addition, 24% of the multiple family zoned land in the neighborhood is currently vacant which indicates that there is more than an adequate supply of vacant multiple family zoned land in the neighborhood.
- K. Public Facilities and Services - The proposed site is next to the sewage treatment plant and surrounded by roads and railroads and has all necessary public facilities to develop in an industrial site.
- L. Transportation - The site is well located in close proximity to other industry so that it has good accessibility to highways, railroads and local streets. It is in a prime location to provide supportive services to the industry in Millersburg to the north.
- M. Energy Conservation - By providing supportive services, such as the existing restaurant, close to industry, automobile trips are reduced as industrial plant employees have a shorter distance to travel to obtain food services.
- N. Urbanization - not applicable.
- O. Willamette River Greenway - not applicable.

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City of Albany/Mickle
Comp Plan Amendment/
Rezone

LEGAL DESCRIPTION

Burkhart Park Subdivision
Block 24 Lots 1, 2, 3, 4, and 5