

ORDINANCE NO. 4887

TITLE: COMPREHENSIVE PLAN AMENDMENT NO. 16 UNDER ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND THE CITY OF ALBANY COMPREHENSIVE PLAN MAPS, AND ZONE CHANGE AMENDMENT NO. 22 UNDER ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP; TO PROVIDE FOR RECLASSIFICATION AND REZONING OF PROPERTY DESCRIBED IN MORE DETAIL BELOW; AND ADOPTION OF THE 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 Comprehensive Plan Amendment including Urban Growth Boundary Amendment, and Zone Change 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 reclassification and 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 CASE NOS. CP-03-89 AND ZC-05-89

The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment to expand the Urban Growth Boundary and redesignate the property from Rural Residential (Linn County) to the City of Albany's Light Industrial designation with a concurrent Zone Change from UGM-20 to ML (Light Industrial) for property located at 1650 Century Drive NE (Map 10-3W-33D, portion of Tax Lot 900) (entire parcel is 4.56 acres with the portion to which these actions apply is .97 acres) as described in attached Exhibit "B" and will be known as Comprehensive Plan Amendment No. 16 and Zone Change Amendment No. 22.

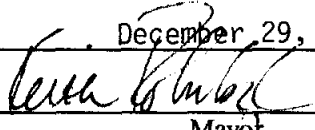
Section 3. COPY FILED

The City Recorder shall file a copy of the ordinance with the County Assessor of Linn County, Secretary of State of the State of Oregon, and the State of Oregon Department of Revenue. Also, a copy of this Comprehensive Plan and 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: November 29, 1989

Approved by the Mayor: November 30, 1989

Effective Date: December 29, 1989



Mayor

ATTEST: 

City Recorder

EXHIBIT A - FINDINGS

COMPREHENSIVE PLAN MAP AMENDMENT FINDINGS

1. The establishment of the Urban Growth Boundary and the development of all of Albany's land use policies and regulations has been carried out in accordance with the procedures established in the Oregon administrative rules. This proposal does not seek to change any of the decisions made through this process, but rather desires to carry out the intent of one of these decisions.
2. It appears that a mapping error was made in 1981 during the preparation of the final Urban Growth Boundary Map exhibit. In the preparation of this exhibit, it appears that a drainage easement line was followed rather than a parcel boundary. The result is that a small portion of one parcel has been bisected by the Urban Growth Boundary. There is no record that this was done on purpose for any reason and the practice of splitting parcels runs contrary to accepted department practices of trying to follow parcel lines when drawing boundaries.
3. The remainder of this parcel that was created is of a size and configuration that is undevelopable unless it is part of a larger parcel. As near as can be determined, the only explanation for exclusion of this portion from the Urban Growth Boundary is that a mapping error occurred in preparation of the final adopted map.
4. The current property owner, Barrack Titanium, Inc. has initiated the request for the Comprehensive Plan Amendment, Zone Change, and Annexation requests.
5. The proposal has also been discussed with Linn County staff who concurred that a mapping error has occurred and they are in favor of rectifying the past mistake.
6. The Linn County Planning Commission has recommended approval of this application on October 17 and the County Board of Commissioners' will hear the case on November 22, 1989.
7. Notices of Public Hearing before the Albany Planning Commission and City Council have been carried out in accordance with current Code requirements and recent legislation that became effective after October 2, 1989.

ZONE CHANGE FINDINGS

1. The proposed zoning of (ML) Light Industrial is consistent with and a continuation of the zoning on the remainder of the parcel. Additionally, it represents a continuation of the existing designated zoning pattern of Light Industrial on the east side of Interstate-5 and Century Drive.
2. The parcel has street frontage on both Century Drive and David Street and takes access off of Century Drive. The parcel also has a view of Interstate-5. Traffic noise from the I-5 corridor is audible at the site. The existing street network is developed in this vicinity and can accommodate the proposed development. While other zones could potentially be considered for this site, the ML (Light Industrial) zone is most appropriate due to the close proximity of a major transportation facility, the current zoning pattern, the visual impact of the highway, and is most compatible with the existing light industrial use which occurs on the remainder of the property. Additionally, the proposed change will allow the parcel to be more fully utilized and developed with adequate public services. It is not anticipated that this change will have a significant impact on the overall transportation network.
3. Public Facilities and Urban Services.
 - a. Water service is not currently available to the subject property. At the time of new development beyond the 800 square foot addition to the existing accessory building, water must be extended or an adequate water supply provided by other means to provide sprinkler systems for any new construction that occurs on the site. There must also be assurances for the eventual extension of public water service (such as signing a Petition for Improvement/Waiver of Remonstrance). The existing residence is currently served by a septic system. The residence is located more than 400 feet to the north of the existing sanitary sewer line in David Avenue NE. However, sewer service is available to serve any new buildings which would be constructed in the future.
 - b. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
 - c. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due engine company response.
4. The site is predominantly flat and developable. There are no features that specifically identify this site as being most appropriately zoned for light industrial development. However, the locational factor that it is adjacent to I-5, the existing development pattern and the zoning on the remainder of the parcel, makes the (ML) Light Industrial the most appropriate.
5. No change in neighborhood compatibility or community location is anticipated from the rezoning of this portion of Tax Lot 900. The majority of the parcel is currently zoned ML (Light Industrial) and it would logically follow that the entire parcel should share the same zoning. This will help ensure that the development that does occur will provide adequate buffers and screening adjacent to the residential property to the north and east, landscaping adjacent to the street, and other improvements necessary to facilitate any future development of the site.

EXHIBIT B

PARCEL A

Sullens Property Outside Albany Urban Growth Boundary.

Beginning at the Northeast corner of that parcel conveyed to Jerry W. Sullens, et. ux, by deed recorded in Volume MF 382 Page 141 Linn County Deed Records, which point is 514.11 feet West and 512.89 feet South 1° 56' East of the Northwest corner of the Milton Houston D.L.C. No. 43 in Township 10 South, Range 3 West, West B & M, Linn County, Oregon; thence South along the East line of said Sullens parcel 154.96 feet to a 1/2" iron rod; thence North 78° 21' West 82.75 feet to a 5/8" iron rod; thence North 76° 00' West 82.60 feet to the East line of U.S. Highway 99E as described in deed conveyed to the State of Oregon and recorded in Book 256 Page 75 Linn County Deed Records; thence North 7° 32' 30" East along the East line of said Highway 113.00 feet to the North line of said Sullens parcel; thence East 289.90 feet to the point of beginning. Containing 0.97 Acres more or less.

PARCEL B

Sullens Property Inside Albany Urban Growth Boundary

Beginning at 3/4 inch pipe on the Easterly right of way line of the relocated Pacific Highway, said pipe being South 1° 56' East 1115.72 feet and South 89° 50' West 934.73 feet from the Northeast corner of the Milton Houston Donation Land Claim No. 43, in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; running thence North 89° 50' East 400.29 feet to a 1/2 inch rod; thence North 604.11 feet to a 1/2 inch iron pipe; thence West 320.16 feet to a 3/4 inch pipe on the Easterly right of way line of said highway; thence South 7° 32 1/2' West 610.55 feet to the place of beginning.

EXCEPT that property conveyed to the State of Oregon, State Highway Commission, by deed recorded October 8, 1956, in Deed Book 251, Page 162 and by deed recorded September 19, 1957, in Deed Book 256, Page 75, Linn County Deed Records.

EXCEPT that portion of the aboved described parcel being more particularly described as follows:

Beginning at the Northeast corner of that parcel conveyed to Jerry W. Sullens, et. ux, by deed recorded in Volume MF 382 Page 141 Linn County Deed Records, which point is 514.11 feet West and 512.89 feet South 1° 56' East of the Northwest corner of the Milton Houston D.L.C. No. 43 in Township 10 South, Range 3 West, West B & M, Linn County, Oregon; thence South along the East line of said Sullens parcel 154.96 feet to a 1/2" iron rod; thence North 78° 21' West 82.75 feet to a 5/8" iron rod; thence North 76° 00' West 82.60 feet to the East line of U.S. Highway 99E as described in deed conveyed to the State of Oregon and recorded in Book 256 Page 75 Linn County Deed Records; thence North 7° 32' 30" East along the East line of said Highway 113.00 feet to the North line of said Sullens parcel; thence East 289.90 feet to the point of beginning. Containing 0.97 Acres more or less.

