

ORDINANCE NO. 5000

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN AND COMPREHENSIVE PLAN MAPS, AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY LOCATED AT 2210 GEARY STREET SE AND ADOPTING ATTACHED EXHIBIT "B" KNOWN AS "FINDINGS" AND DECLARING AN EMERGENCY.

WHEREAS the Albany Planning Commission held a public hearing on May 4, 1992 as required by law and recommended that the Albany City Council approve the proposed amendments to the Albany Comprehensive Plan and Zoning Map, and

WHEREAS the Albany City Council has duly advertised and caused notices to be given as required by law and has held a public hearing on May 27, 1992 concerning the proposed amendments.

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

Section 1. The Findings attached as Exhibit "B" are hereby adopted in support of these amendments to the Comprehensive Plan and Zoning Map.

Section 2. The official Albany Comprehensive Plan and Zoning Maps are hereby amended with a Comprehensive Plan Amendment from Medium Density Residential to High Density Residential with a concurrent Zone Change from RM-5 (formerly R-2) (Residential Limited Multiple Family) to RM-3 (formerly R-3)(Residential Multiple Family).

Section 3. This property is shown on Assessor's Map No. 11-3W-08CC, Tax Lot 1101 (1.15 acres) and Assessor's Map No. 11-3W-17BB, Tax Lot 900 (2.76 acres) and is described in attached Exhibit "A" and will be known as Comprehensive Plan Amendment No. CP-01-92 and Zone Change Amendment No. ZC-01-92.

Section 4. A copy of these amendments shall be filed in the office of the City Recorder of the City of Albany and numbers noted on the official Comprehensive Plan and Zoning Maps.

Section 5. The City Recorder shall, within 10 days of the effective date of this Ordinance, file a copy of the Ordinance with the County Assessor of Linn County and the Department of Land Conservation and Development.

Section 6: Emergency Clause - Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of this city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by the Council: May 27, 1992
Approved by the Mayor: [Signature] May 27, 1992
Effective Date: May 27, 1992
[Signature]
Mayor

ATTEST: Norm C. Withrow
Deputy City Recorder

EXHIBIT 'A'
LEGAL DESCRIPTION
COMPREHENSIVE PLAN AMENDMENT CASE NO. CP-01-92
ZONE MAP AMENDMENT CASE NO. ZC-01-92

Beginning at a the Northeast corner of that parcel conveyed to E.K. & ERMA JOHNSON described in deed recorded in Book 233, page 68, Linn County Deed Records, which point is 1673.10 feet S.1 38'E. of the Northeast Corner of the C.D. Burkhart D.L.C. No. 52, T.11S., R 3 W., W.B.841, Linn County, Oregon, and is the Southeast corner of that parcel conveyed to HAROLD and DARLENE BUSH described in deed recorded in MF Volume 587 page 845 Linn County Microfilm Records; thence along the lines of said JOHNSON parcel, S.1 08' E. 265.32 feet, S.88 51'W. 495.70 feet, and N.1 08'W. 265.32 feet to the southwest corner of said BUSH parcel; thence along the lines of said BUSH parcel, N.1 08' W. 178.20 feet, N.88 51' E. 265.00 feet, S.1 08'E. 88.2 feet, N:88 51'E. 229.92 feet to the east line of said Burkhart D.L.C. 52, S.1 08' E. 90.0 feet to the point of beginning.

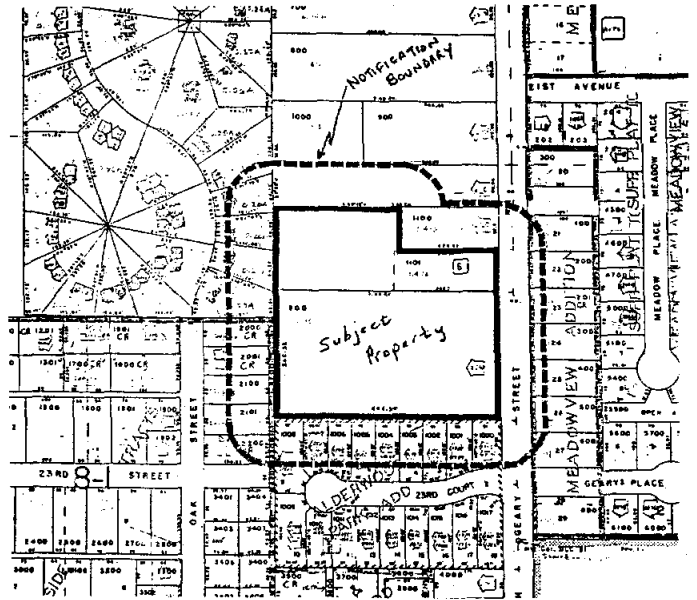


EXHIBIT 'B'
FINDINGS DOCUMENT
COMPREHENSIVE PLAN AMENDMENT CASE NO. CP-01-92
ZONE MAP AMENDMENT CASE NO. ZC-01-92

1. The proposed Comprehensive Plan Map designation has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.
2. Comprehensive Plan policies particularly relevant to this request are Housing Policy 1 calling for a variety of housing choices and Urbanization Policy 17 calling for adequate areas in each land use classification to meet anticipated needs.
3. The requested Comprehensive Plan designation is consistent with all relevant area plans adopted by the City Council.
4. The requested Comprehensive Plan designation is consistent with the Comprehensive Plan map pattern.
5. The requested Comprehensive Plan designation is consistent with the statewide planning goals.
6. Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
7. Existing or anticipated services (sanitary sewer, storm sewers, schools, police, fire protection, etc.) can accommodate potential development within the subject area without adverse impact on the affected service area.
8. There are no unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic districts.
9. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the intent of the Comprehensive Plan.