

ORDINANCE NO. 5045

TITLE: AN ORDINANCE AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY DEVELOPMENT CODE AND THE CITY OF ALBANY ZONING MAP, BY REZONING PROPERTY TO PROVIDE FOR THE RECLASSIFICATION AND REZONING OF PROPERTY ADOPTING FINDINGS ATTACHED IN EXHIBIT "A" AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 4901 PACIFIC BOULEVARD SW (CASE NO. ZC-01-93).

WHEREAS, the Albany Planning Commission held a public hearing on April 19, 1993 as required by local and state law, and recommended that the Albany City Council approve the proposed amendments to the Official Zone Map (Case No. ZC-01-93) based on evidence produced at the public hearing, and

WHEREAS, the Albany City Council advertised and caused notices to be given as required by law and held a public hearing on April 28, 1993 and approved the proposed amendment to the Official Zoning Map concerning the zoning for the property being considered (Case No. ZC-01-93).

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

Section 1: The Findings attached as Exhibit A are hereby adopted in support this decision.

Section 2: The official Albany Zoning Map is hereby amended from NC (formerly C-1, Neighborhood Commercial) to RM-5 (formerly R-2, Residential Limited Multiple Family) for an area described as follows: 4901 Pacific Boulevard SW (See attached legal description Exhibit B.)

Section 3: 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.

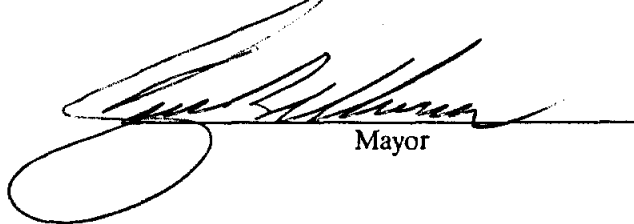
Section 4: A copy of the adoption of or changes in comprehensive plans, zoning ordinances and zoning designations shall be filed with the Linn County Assessor's Office within 90 days after the date of this change as well as the legal description and map for the zone change.

Section 5: 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: April 28, 1993

Approved by the Mayor: April 28, 1993

Effective Date: April 28, 1993


Mayor

ATTEST:

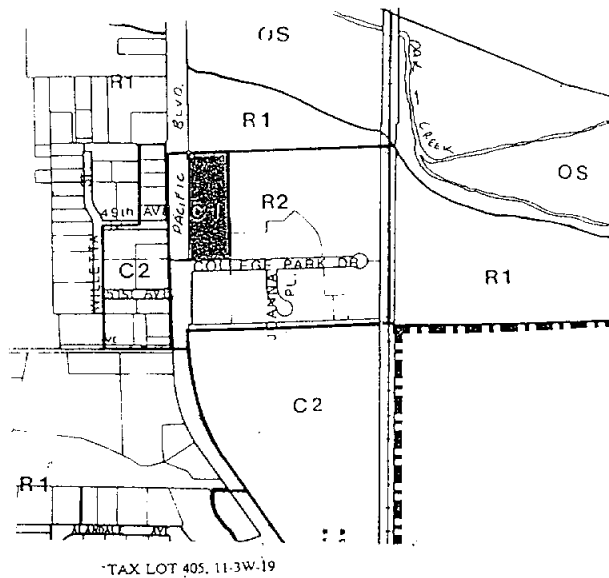

Deputy City Recorder

EXHIBIT "A"
ZONE CHANGE CASE NO. ZC-01-93

FINDINGS

1. The existing Comprehensive Plan Map designation has been evaluated against relevant Comprehensive Plan policies and the proposed Zone Change on balance has been found to be more supportive of the Comprehensive Plan as a whole than the existing zoning 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 zoning designation is consistent with the Comprehensive Plan map pattern.
4. Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.
5. 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.
6. There are no unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic districts. A small 9000 square foot area of the property is classified as wetland.
7. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the intent of the Comprehensive Plan.

EXHIBIT "B"



The North twenty (20) acres of even width of the following described real property: Beginning on the West right of way of the Southern Pacific Railroad South 0 deg. 06' East 4628.1 feet from a point on the North line of and North 88 deg. 55' East 1336.1 feet from the Northwest corner of the Truett Davis DLC No. 38 in Township 11 South, Range 4 West and Claim No. 54 in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; and running thence South 88 deg. 55' West parallel to the North line of said claim 1182.17 feet to the East right of way line of the Pacific Highway; thence North 0 deg. 43' West along said right of way 993.11 feet; thence North 1 deg. 28' West along said right of way 107.09 feet; thence North 88 deg. 55' East parallel to the North line of said Truett Davis DLC 1195.50 feet to the West right of way line of the Southern Pacific Railroad; thence South 0 deg. 06' East along said right of way 1100.10 feet to the place of beginning. EXCEPTING that portion previously conveyed to the Grantees by deed recorded May 11, 1977, in Microfilm Volume 165, page 233, Linn County Microfilm Records.

SAVE AND EXCEPT that portion described as follows: Beginning at a point on the center line of College Park Drive which is 1336.10 feet North 88 deg. 55' East; 4259.38 feet South 0 deg. 06' West; 375.0 feet South 88 deg. 55' West from the Northwest corner of the Truett Davis Donation Land Claim, being Claim 38 in Township 11 South, Range 4 West, and Claim 54 in Township 11 South, Range 3 West of the Willamette Base Meridian, Linn County, Oregon; and running thence North 1 deg. 05' West 145.0 feet; thence along a 130 foot radius curve left (the chord of which bears North 23 deg. 55' West 99.50 feet) 102.10 feet (arc length); thence North 46 deg. 05' West 163.09 feet; thence South 43 deg. 55' West 96.52 feet; thence South 88 deg. 55' East 115.00 feet; thence South 1 deg. 05' East 73.00 feet; thence South 88 deg. 55' West 236.00 feet; thence North 0 deg. 43' West 520.42 feet; thence North 88 deg. 55' East 956.87 feet to the West right-of-way line of the Southern Pacific Railroad; thence South 0 deg. 06' East along said right-of-way line 731.38 feet; thence South 88 deg. 55' West 375.0 feet to the point of beginning. All being 12.644 acres.

ALSO SAVE AND EXCEPT that portion described as follows: Beginning at a point on the center line of College Park Drive, which is 1336.10 feet North 88 deg. 55' East; 4259.38 feet South 0 deg. 06' West; 949.00 feet South 88 deg. 55' West from the Northwest corner of the Truett Davis Donation Land Claim, being Claim No. 38 in Township 11 South, Range 4 West, and Claim No. 54 in Township 11 South, Range 3 West of the Willamette Base Meridian, Linn County, Oregon; and running thence North 0 deg. 43' West 211 feet; thence North 88 deg. 55' East 236 feet; thence North 1 deg. 05' West 73 feet; thence North 88 deg. 55' East 115 feet; thence North 43 deg. 55' East 96.52 feet; thence South 46 deg. 05' East 163.09 feet; thence along a 130 foot radius curve right (the chord of which bears South 23 deg. 35' East 99.50 feet) 102.10 feet (arc length); thence South 1 deg. 05' East 145.0 feet; thence South 88 deg. 55' West 574 feet to the point of beginning.

FURTHER SAVE AND EXCEPT any portion lying within public roads and highways.