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ORDINANCE NO. 4153

AN ORDINANCE ANNEXING AND ZONING OF APPROXIMATELY 15.02 ACRES LOCATED WEST OF HOP STREET, NORTH OF 15TH AVENUE AND EAST OF THE SOUTHERN PACIFIC RAILROAD TRACKS AS R-1(6) PUD AND DECLARING AN EMERGENCY.

WHEREAS, on the 12th day of April, 1978, at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 4128, wherein it was provided that a public hearing would be held on the 24th day of May, 1978, concerning the advisability of annexing and zoning approximately 15.02 acres located west of Hop Street, north of 15th Avenue and east of the Southern Pacific Railroad Tracks as R-1(6) PUD, and

WHEREAS, the hearing was duly held on the 24th day of May 1978, and at that time the Council determined that the Notices of Hearing had been given as provided in the said Ordinance, and pursuant to the terms of ORS 222.111, 222.120 and 222.170, and

WHEREAS, the Council after said hearing determined that the area described herein should be annexed,

NOW, THEREFORE,

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

Section 1: That the following described property be and is hereby annexed to the City of Albany, to-wit:

(see attached legal description and map)

Assessor's Parcel Map	11-4W-12BC, Tax Lots 3000, 100 and 2900
Assessor's Parcel Map	11-4W-12CB, Tax Lot 11400

and zoned R-1(6) PUD.

Section 1a: Findings of Fact.

(see attached findings)

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Section 2: That a copy of this ordinance shall be filed in the office of the City Recorder and the number of the ordinance shall be noted on the official zoning map of the City of Albany.

Section 3: WHEREAS, it is in the betterment of the public health, interest, safety and general welfare of the citizens of the City of Albany that this matter of annexation of the property described herein be disposed of at the earliest possible moment, and that the City facilities be made available to this property; therefore, an emergency is hereby declared to exist and this Ordinance shall become immediately effective upon its passage by the Council and approval by the Mayor.

Passed by the Council: July 12, 1978

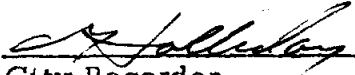
Approved by the Mayor: July 12, 1978

Effective Date: July 12, 1978



Mayor

ATTEST:



City Recorder

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GWINN AND HAYES ANNEXATION AND ZONING REQUEST

1. The area to be annexed is contiguous to the City of Albany and consists of 15+ acres of land.
2. The owner desires annexation in order to obtain existing public services and utilities.
3. The subject parcel lies within the adopted urban growth boundary. The zoning proposal of R-1(6) PUD is the same density of the existing zoning of the land situated within the City contiguous to the subject parcel. The proposal complies with present City and County zoning, both of which designate the parcel as Urban Residential and with the adopted Comprehensive Plan which designates the parcel for Urban Residential use. The City has previously determined by its adoption of the urban growth boundary that a public need exists for urbanization of the subject parcel.
4. The development of the property is an orderly and timely conversion of land for urban purposes. The parcel is an undeveloped peninsula of land essentially surrounded on three sides by residential development. Urban services including streets, water, powerlines, telephone lines and streets serve the parcel or are contiguous to the parcel.
5. The parcel, due to urbanization in its immediate area, is committed to urban as opposed to Agricultural use. The subject parcel contains no viable agricultural land.
6. The parcel is close (within one mile) to downtown shopping and is within easy walking distance of schools and parks. The nearest school, Takena, is adequate to handle the increased enrollment and appears at the present time to be the best school in the school system to handle growth within the City of Albany.
7. The proposal is in compliance with LCDC Goals 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 13, and 14. All other goals are inapplicable.
8. The City zoning ordinance allows a PUD to be considered in all residential area.
9. The proposed development will be in keeping with the existing land uses and is the highest and best use of the land.
10. A PUD will allow maximum design flexibility for the developer in order to best meet the particular site demands while ensuring continued public participation.
11. The City's zoning ordinance, Section seven(7), provides adequate safeguards to protect life and property from natural hazards

of periodic back-water flooding. The property is situated in the floodway fringe and is developable under the National Flood Insurance Program provided adequate engineering controls are instituted to prevent damage. If developed according to good engineering standards, the subject parcel can be developed with adequate safeguards to protect life and property from flooding. Proper engineering would be insured under City ordinances requiring supervision by the City engineers of any development on the property.

12. The proposal serves the Comprehensive Plan Goal of distributing multi-family housing throughout the community. Little multi-family housing is found in the Broadway neighborhood where the subject parcel is situated. The Broadway neighborhood contains the smallest amount of multi-family units in the City of Albany with the exception of the Periwinkle District, which is substantially undeveloped. The proposal would also buffer the existing single-family residences adjacent to the parcel from the railroad tracks running along the back side of the subject parcel by providing multi-family housing near the area of the railroad tracks while preserving single-family residences adjacent to the area of existing single-family residence in the Broadway neighborhood.
13. The proposal would provide development proximate to the City of Albany in the City's logical growth area, relieving pressure on land situated in the County more suitable for agricultural and forestry uses.
14. The development of the property will help achieve Project 80 recommendations 29 and 37.

HAZELWOOD ANNEXATION

Beginning at a point which is N1°15'E 431.0' and N89°25' W 1509.0' from the southwest corner of W. Monteith D.L.C. #55: thence

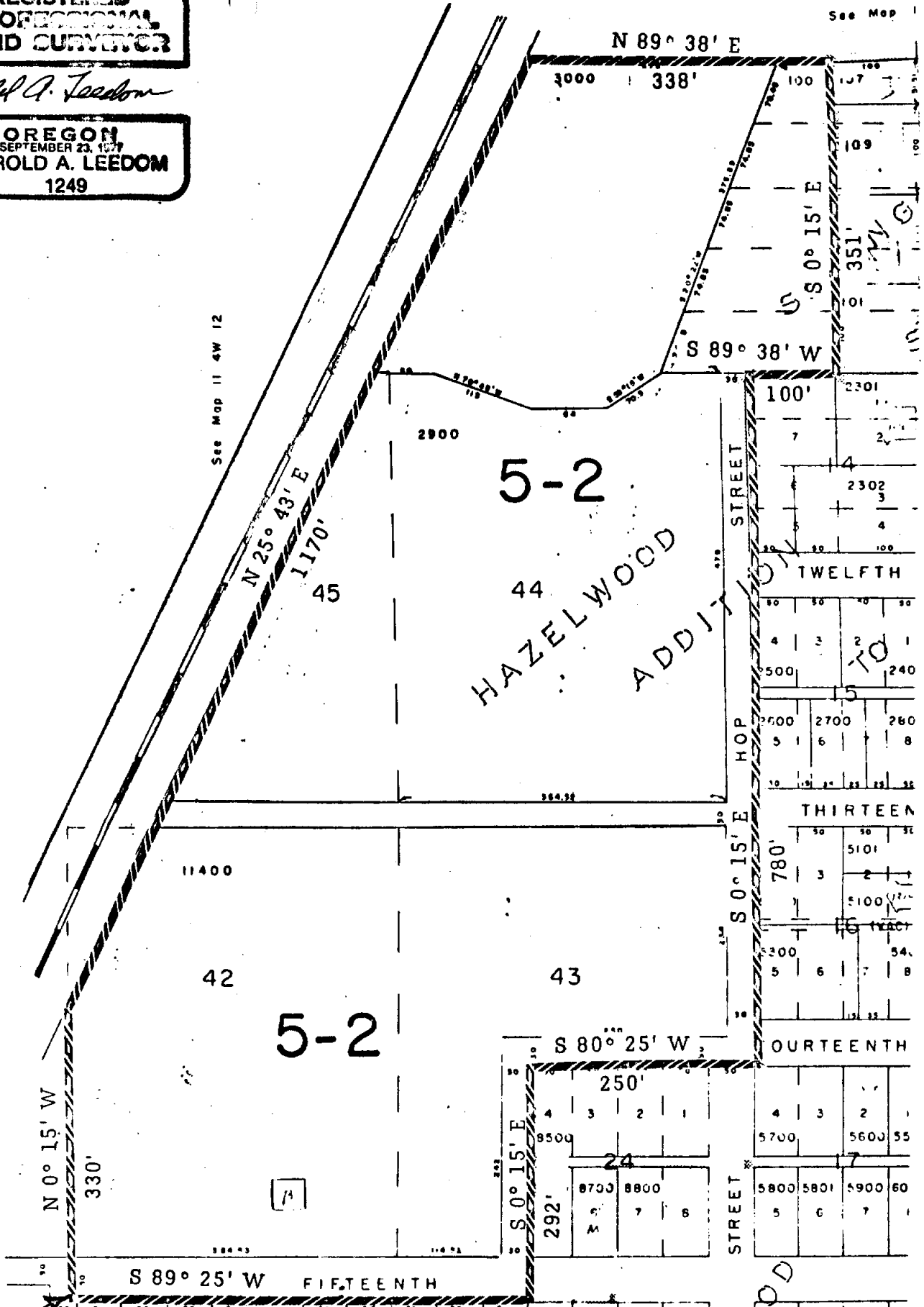
N0°15'W 330.0'; thence
N25°43'E 1170.0'; thence
N89°38'E 338.0'; thence
S0°15'E 351.0'; thence
S89°38'W 100.0'; thence
S0°15'E 780.0'; thence
S80°25'W 250.0'; thence
S0°15'E 292.0'; thence
S89°25'W 510.0' to the point of beginning.

Linn County Assessor's Parcel Map 11 4W 12

**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

Harold A. Leedom

**OREGON
SEPTEMBER 23, 1917
HAROLD A. LEEDOM
1249**



P.O.B. N 1° 15' W 431.0'
& N 89° 25' E 1509.0'
from the southwest corner
of W. Montelth D.L.C. #55

HAZELWOOD