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ORDINANCE NO. 4203

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 17.36 ACRES OF PROPERTY LOCATED IN NORTH ALBANY AT THE NORTHWEST CORNER OF SPRINGHILL ROAD AND HICKORY AVENUE TO BE DESIGNATED AS R-1(8) PUD SINGLE FAMILY RES. & RES./PROF., AND WITHDRAWING SAID TERRITORY FROM THE ^{NORTH} Albany RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4187 adopted on the 11th day of October, 1978, dispense with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 25th day of October, 1978, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further ^{NORTH} question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they are hereby adopted as findings of the Council; now, therefor,

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

Section 1: The following described property to-wit:

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be, annexed to the City of Albany, Oregon.

23

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Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the ^{North} Albany Rural Fire Protection District

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4187, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon, and Benton County, Oregon.

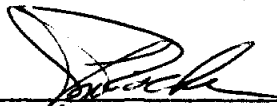
Section 4: Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area to be annexed it is effective and an emergency is hereby declared to exist and 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: November 8, 1978


Approved by the Mayor: November 8, 1978

Effective Date: November 8, 1978



Mayor

ATTEST:



Deputy City Recorder

24

FINDINGS OF FACT

Annexation:

- (1) The property is centrally located within the preliminary Urban Growth Boundary and is a logical extension of City boundaries.
- (2) The property is well suited for urban type development due to its prime location near shopping, employment, arterial streets and highways, and recreational facilities.

Zoning:

- (1) The R-1(8) PUD zoning complies with the Comprehensive Plan and is particularly well suited to this site. The condominium PUD concept is an emerging popular housing trend which satisfies the demand for alternative housing types through utilization of unique space saving and energy saving techniques.
- (2) Through the Zoning Ordinance PUD controls, the City can assure that the development takes place in an orderly fashion and is consistent with the surrounding area. In addition, a more detailed examination of treatment of the flood plain area can be dealt with in the course of PUD review.

CONDITIONS

- (1) The property owners shall agree to participate in the improvements of Hickory Avenue and Springhill Drive as a part of PUD approval (36' equivalent).
- (2) Any development of this property shall be subject to provision of an adequate water supply from the North Albany Service District and/or Pacific Power and Light Co.
- (3) Prior to development, the property owners shall provide written documentation of the flood plain and flow characteristics of this property as determined by a registered engineer experienced in this field and further demonstrate how the proposed fill will affect the flooding characteristics of the area and finally demonstrate how the flood plain regulations and criteria affecting this property will be adhered to.
- (4) All requirements of the Benton County fill permit shall also be adhered to.
- (5) Compliance with all conditions of Article 7 of the Albany Zoning and Land Use Regulations shall be adhered to at the time of development.

Billy Law

TO: CITY OF ALBANY PLANNING COMMISSION AND PLANNING DEPARTMENT

FROM: ROBERT T. SCOTT, Attorney for Applicants

RE: FINDINGS IN SUPPORT OF R-P ZONING; REQUEST FOR COMPREHENSIVE PLAN AMENDMENT AND FINDINGS IN SUPPORT THEREOF.

I. REQUEST FOR R-P, RESIDENTIAL-PROFESSIONAL ZONING

The applicants' annexation request simultaneously seeks R1-6 PUD zoning for 14.5 acres and RP zoning for a 2.86 acre strip on the South side of the subject property adjacent to Hickory Drive. Applicants intend to construct luxury condominiums on the R1-6 property and business and professional offices on the R-P strip. Applicants submit the following findings in support of R-P, Residential-Professional Zoning for the 2.86 acre strip:

1. The R-P zoning would provide for a desirable mixing of the residential land use (the condominiums) with light commercial uses. The design of the PUD on the residential property to the North will be aesthetically and functionally compatible with the design of the Business-Professional use on the 2.86 acres.
2. The R-P zone limits development to those business uses which are fully compatible with residential uses.
3. The proposed R-P property is located near an arterial street.
4. The R-P zone would serve as a buffer between the condominiums and the large Community Commercial area directly across Hickory Lane.
5. According to the interdepartmental memo of the Albany Planning Department, there are 1.8 acres of vacant land zoned R-P Residential-Professional within the City. It is apparent that there is a public need for more residential-professional land.

Based upon the above findings, applicants request R-P Residential-Professional zoning for the 2.86 acres adjacent to Hickory Lane as shown on the drawings previously submitted.

II. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT FROM URBAN RESIDENTIAL DESIGNATION TO COMMERCIAL DESIGNATION FOR 2.86 ACRES.

This request is made because of the position of the Planning Department that the R-P zone does not fit within property designated as "Urban Residential" on the Comprehensive Plan map. Although applicants feel that R-P zoning is appropriate to property located near the boundaries of both Commercial and Urban Residential areas, they have no objection to the Comprehensive Plan Amendment. In support thereof, we submit the following findings:

FINDINGS OF FACT

I. COMPLIANCE WITH THE COMPREHENSIVE PLAN

The subject property lies within the approved Urban Growth Boundary and is designated as Urban Residential on the City of Albany Comprehensive Plan Map.

The proposed development also complies with the text of the Comprehensive Plan. Within residentially designated areas, the plan approves of a variety of modes of living. Modern cluster design and the planned unit development approach are encouraged.

The proposed development, consisting of condominium units with a buffer strip of Residential-Professional property, complies with both the map and text of the Comprehensive Plan.

II. PUBLIC NEED FOR THE REQUESTED ANNEXATION AND ZONING

Albany's population continues to grow at a rapid pace. Simultaneous with the growth of population has come a decrease in the amount of land available for residential construction. This is particularly true near the downtown core area. A substantial number of people, because of occupation, age, health, and/or availability of transportation, would prefer to reside near the downtown area. The proposed project would meet the needs of those citizens. Annexation is necessary to provide the city services required by such a development.

III. THE PARTICULAR PROPERTY BEST FULFILLS THE PUBLIC NEED

The subject property is best suited to fill a public need for residential property for a variety of reasons:

A.) The short distance from the property to the downtown core area makes it desirable for persons working in the downtown area or for those who because of age, health, or other reasons have transportation problems.

B.) The property is situated within walking distance from a large grocery store. If the proposed buffer strip of R-P property is allowed, residents of the development will be able to meet many of their daily needs without having to use an automobile to cross the river into downtown Albany. On the other hand, if they need to do more extensive shopping, the downtown merchants are readily available.

C.) The recreational needs of development residents are served by the close proximity of two golf courses, downtown movie theatres, the downtown library and the senior citizens center.

D.) The property is located near major arterials which can handle any increase in traffic.

IV. COMPLIANCE WITH LCDC GOALS AND GUIDELINES

1. Citizen Involvement

Citizen involvement is insured through the procedures which have been established by City and County governing bodies. Hearings have already been held in Benton County allowing citizens the right to comment on the issuance of a fill permit necessary for the development of the subject property. The agent for the developer has attempted to contact landowners in the area and the school and water district have been asked to comment on the proposed development. Further public hearings are required by City ordinance. The Citizen Involvement goals and guidelines are being met.

2. Land Use Planning

The Land Use Planning goals and guidelines primarily deal with the responsibilities of governmental agencies to develop comprehensive plans and to implement those plans by adopting appropriate ordinances. The proposed development will comply with the City of Albany Comprehensive Plan and Zoning Ordinance. All necessary permits will be obtained and sewers, water and roads will be provided as required by the City.

3. Agricultural Lands

The subject property is within the Urban Growth Boundary and has been designated as Urban Residential on the Comprehensive Plan. The relatively small size of the parcel makes it impractical to use it for agricultural purposes. It has not been farmed for several years.

4. Forest Lands

Not Applicable.

5. Open Spaces

The subject property is an open field and has no particular scenic beauty. Substantial open space is provided to the east of the property by the Golf Club of Oregon. The proposed PUD development will increase the visual attractiveness of the area and will provide substantial open space areas.

6. Air, Water And Land Resources Quality

The proposed development will not have an adverse affect on air, water and land resources quality. Waste and process discharges will be adequately handled by existing city services.

7. Areas Subject to Natural Disasters And Hazards

The subject property is presently within an area which was flooded in 1964 and to some extent in 1974. The proposed development will deposit fill upon the property and bring the level of residences above the 100 year flood levels. Pursuant to a Benton County ordinance, a fill permit has been obtained. Prior to the issuance of that permit, Benton County officials reviewed technical data and heard testimony. The opinion of both Benton County engineers and the developer's engineer is that the design of the fill is such that it will not subject surrounding properties to increased flood hazards. The property is within a floodway, but the opinion of the engineers is that the fill design will adequately handle the flow of flood waters without any appreciable increase in velocity. The question of flood hazard has been answered by Benton County's issuance of the fill permit.

8. Recreational Needs

The subject property is designated as Urban Residential and has never been considered as potential recreational property by government agencies. With the golf courses nearby and with the Willamette River and City and County parks within a reasonably close distance, the recreational needs of the area are being met.

9. Economy of The State

The economy will not be greatly affected by the proposed development, except for the various jobs necessarily involved in the construction of the project.

10. Housing

The proposed development will help meet the housing needs of the area. The PUD proposal will comply with the goal that encourages flexibility of location, type, and density of housing. Cluster type development with common grounds and maintenance agreements is encouraged by the City's Comprehensive Plan and Zoning Ordinance.

11. Public Facilities And Services

The subject property is included within the Urban Growth Boundary and the City Sewer system has been extended to the property. The capacity of the sewer is more than adequate to meet the needs of the development. Water for the development will be provided either by the North Albany Water District or by Pacific Power and Light. A public water supply has not yet been extended to the property. It is understood that City regulations will prohibit the issuance of building permits until such time as an adequate water supply has been extended to the property.

12. Transporation

The transportation needs of the development can be met by existing roads and highways. Street specifications will be submitted with the Planned Unit Development proposal and will require City approval.

13. ENERGY CONSERVATION

The proposed development using the planned unit development approach will insure use of the land in an effective manner. The property's close proximity to the downtown core area should decrease the amount of gas and oil used daily in comparison to other locations in the City.

14. URBANIZATION

The subject property is within the Urban Growth Boundary and is designated Urban Residential. Across Hickory Lane from the proposed development is an existing shopping center. City sewer has been extended to the subject property. The size of the parcel is adequate to maximize the utility of the land resource.

15. Willamette River Greenway

Not Applicable.

16. Estuarine Resources

Not Applicable.

17. Coastal Shorelines

Not Applicable.

18. Beaches And Dunes

Not Applicable.

19. Ocean Resources

Not Applicable.

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RICHARD DALKE, P.E.

TELEPHONE 503-928-2583

77-99

NORTH ALBANY ANNEXATION PROPERTY
PROPOSED RP ZONING

Beginning at a point, said point being 66.0 feet North $89^{\circ} 55' 15''$ East, and 943.12 feet South $3^{\circ} 55' 15''$ West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North $3^{\circ} 55' 15''$ East 150.00 feet; thence South $86^{\circ} 01' 30''$ East 439.10 feet; thence South $3^{\circ} 55' 50''$ West 150.00 feet; thence North $86^{\circ} 01' 30''$ West 439.07 feet to the Point of Beginning.
Containing 1.51 acres.

also

Beginning at a 5/8 inch iron rod said rod being 66.0 feet North $89^{\circ} 55' 15''$ East; 943.12 feet South $3^{\circ} 55' 15''$ West; and 459.07 feet South $86^{\circ} 01' 30''$ East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North $3^{\circ} 55' 50''$ East 150.00 feet; thence South $86^{\circ} 01' 30''$ East 431.38 feet; thence South $27^{\circ} 17' 57''$ West 113.81 feet; thence South $56^{\circ} 26' 45''$ West 74.68 feet; thence North $86^{\circ} 01' 30''$ West 326.98 feet to the Point of Beginning.
Containing 1.35 acres.

Total Proposed RP Zoning Acreage 2.86 acres.

8/17/78

SMR

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NORTH ALBANY ANNEXATION PROPERTY
PROPOSED R-1(6) PUD ZONE

Beginning at a 5/8 inch iron rod said iron rod being 66.0 feet North 89° 55' 15" East; and 331.22 feet South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 83° 33' 59" East 280.79 feet; thence North 3° 55' 15" East 62.68 feet; thence North 89° 57' 30" East 163.38 feet; thence South 3° 55' 50" West 586.75 feet; thence North 86° 01' 30" West 439.10 feet; thence North 3° 55' 15" East 461.90 feet to the point of beginning.

Containing 5.27 acres.

also

Beginning at a point, said point being 66.0 feet North 89° 55' 15" East; 943.12 feet South 3° 55' 15" West; 459.07 feet, South 86° 01' 30" East; and 150.00 feet North 3° 55' 50" East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 50" East 556.71 feet; thence North 73° 51' 15" East 811.35 feet; thence South 23° 56' 40" West 800.99 feet; thence South 44° 12' 20" West 65.31 feet; thence South 27° 17' 57" West 36.07 feet; thence North 86° 01' 30" West 431.38 feet to the Point of Beginning.

Containing 9.23 acres.

Total R-1(6) PUD Annexation Acreage 14.70 acres.

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**NORTH ALBANY ANNEXATION
PROPERTY**

Annexation Property

Beginning at a 5/8 inch iron rod said iron rod being 66.0 feet North 89° 55' 15" East, and 331.22 feet South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61, Township 11 South, Range 3 and 4 West, Willamette Meridian Benton County, Oregon; running thence North 83° 33' 59" East 280.79 feet to a 5/8 inch iron rod; thence North 3° 55' 15" East 62.68 feet to a 1/2 inch iron pipe; thence North 89° 57' 30" East 163.38 feet to a 5/8 inch iron rod; thence South 3° 55' 50" West 736.75 feet to a 5/8 inch iron rod; thence North 86° 01' 30" West 439.07 feet to a 5/8 inch iron rod; thence North 3° 55' 15" East 611.90 feet to the point of beginning.

Containing 6.78 acres.

also

Beginning at a 5/8 inch iron rod said rod being 66.0 feet North 89° 55' 15" East; 943.12 feet, South 3° 55' 15" West and 459.07 feet South 86° 01' 30" East of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61 in Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence North 3° 55' 50" East 706.71 feet to a 5/8 inch iron rod; thence North 73° 51' 15" East 811.35 feet to a 5/8 inch iron rod; thence South 23° 56' 40" West 800.99 feet to a 5/8 inch iron rod; thence South 44° 12' 20" West 65.31 feet to a 5/8 inch iron rod with an aluminum cap; thence South 27° 17' 57" West 149.88 feet to a 5/8 inch iron rod with an aluminum cap; thence South 56° 26' 45" West 74.68 feet to a 5/8 inch iron rod; thence North 86° 01' 30" West 326.98 feet to the point of beginning.

Containing 10.58 acres.

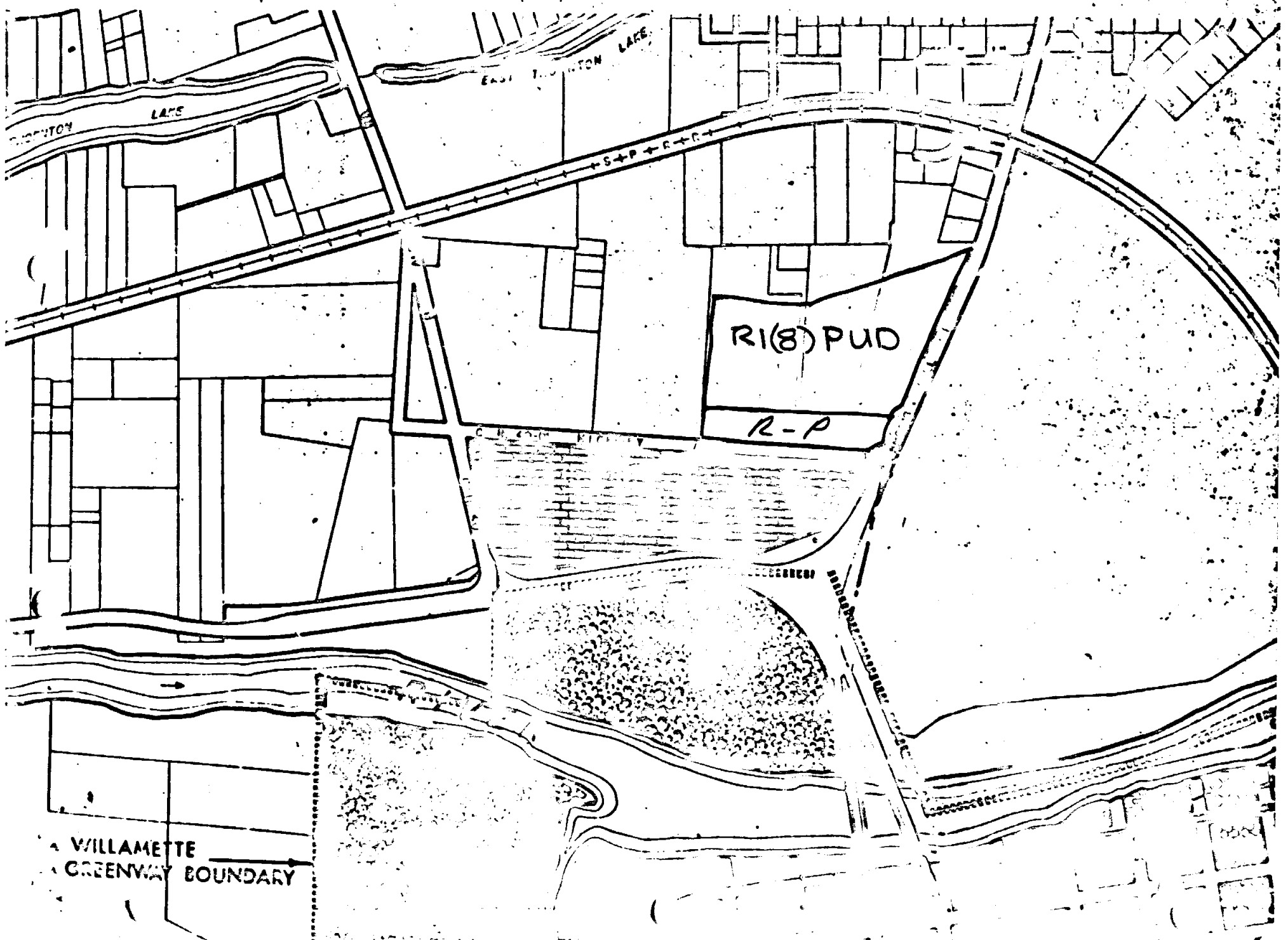
also

The right-of-way of Hickory Street adjacent to the above property, being more particularly described as: Beginning at a 5/8 inch iron rod on the North right-of-way line of Hickory Street, said rod being 66.0 feet, North 89° 55' 15" East; and 943.12 feet, South 3° 55' 15" West of the Northwest corner of the A.M. Rainwater Donation Land Claim No. 61 in Township 11 South, Range 3 and 4 West, Willamette Meridian, Benton County, Oregon; running thence along the North right-of-way line of Hickory Street South 86° 01' 30" East 786.05 feet to the West right-of-way line of Spring Hill Road; thence along the West right-of-way line of Spring Hill Road South 56° 26' 45" West 28.27 feet; thence continuing along said right-of-way line South 12° 30' 30" East 44.61 feet to the South right-of-way line of Hickory Street; thence along the South right-of-way line of Hickory Street North 86° 01' 30" West 776.29 feet; thence North 3° 58' 30" East 60.00 to the point of beginning.

Containing 1.60 acres.

Total Annexation Acreage, 18.96 acres.

Revised 11/30/78



TROUTON

LAKE

EAST TROUTON LAKE

S-P-R-R

R1(8) PUD

R-P

CHERRY KISSISSIPPI

S-P-R-R

WILLAMETTE GREENWAY BOUNDARY