

ORDINANCE NO. 4849

AN ORDINANCE AMENDING ORDINANCE NO. 4502 TO AMEND THE ALBANY ECONOMIC DEVELOPMENT DISTRICT URBAN RENEWAL PLAN AND DISTRICT BOUNDARY.

WHEREAS, under the provisions of ORS Chapter 457, the City Council of the City of Albany has established an Urban Renewal Agency and designated the City Council as the agency to carry out the provisions of ORS 457; and

WHEREAS, the urban renewal plan adopted by Ordinance 4502 provides for periodic review and amendment to the adopted Plan and District boundaries; and

WHEREAS, the City Council has determined that it is now in the public interest that the urban renewal plan be amended to include certain projects and areas; and

WHEREAS, on January 9, 1989, the Albany Planning Commission conducted a public hearing on the proposed amendments and recommended adoption based on findings and conclusions attached as Exhibit A, and

WHEREAS, the City Council has conducted a public hearing on February 8, 1989, and has also concurred with the Planning Commission's findings and conclusions.

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

Section 1: The areas described in the attached Exhibits B, C, D, E, and F are hereby included as part of the Albany Economic Development District Urban Renewal Area.

Section 2: The Urban Renewal Plan, Part I is hereby amended as follows:

ARTICLE II - THE DISTRICT

2.010 Boundary, is hereby amended to include territory previously added by Ordinance 4678 and territories described in attached Exhibits E and F.

2.020 Land Use Plan, is hereby amended by revisions to Plan Exhibits 1 through 4 as follows:

Exhibit 1 - "District Boundary Map" is hereby replaced by attached Exhibit G.

Exhibit 2 - "Comprehensive Plan Designations" is hereby replaced by the Comprehensive Plan map adopted by Ordinance 4836 as currently amended and by this reference is incorporated herein.

Exhibit 3 - "Existing Zoning Districts" is hereby replaced by the Zoning District map adopted by Ordinance 4441 as currently amended and by this reference is incorporated herein.

Exhibit 4 - "Master Street Plan" is hereby replaced by the "Master Street Plan" Exhibit of the Comprehensive Plan (Ordinance 4836) and by this reference is incorporated herein.

ARTICLE III - PROJECTS AND ACTIVITIES

3.011 Public Improvements, is hereby amended to add the following projects:

A. Streets

High Priority

- First and Second Avenue realignment with Salem Avenue between Oak and Hill Streets.
- Main Street improvement, Pacific Boulevard to First Avenue.
- Santiam improvement, Main Street to Pine Street.
- Hill Street improvement, Pacific to Fourth Avenue including new railroad crossing at Sixth Avenue.
- Sixth Avenue improvement, Main to Sherman.
- Pacific Boulevard/Ninth Avenue couplet project.
- Improved railroad crossings on Thirty-fourth Avenue.

3.013 Acquisition and Redevelopment, is hereby amended to add an additional activity and explanatory text; specifically, following the last paragraph of Section 3.013, the following text shall appear:

"With the adoption of Ordinance 4849, the City Council amended this Urban Renewal Plan to provide authority for the potential assembly and acquisition of property containing approximately 15 acres and located at the southwest corner of Allen Lane and Highway 99E. The property is more particularly described in attached Exhibits C and E to Ordinance 4849. By this reference, this area is added to the Property Acquisition Map (Exhibit 11) and shall be referred to as area "6." Its intended use shall be for land assembly and clearance in order to provide for more intensive development as provided for by the Comprehensive Plan.

This particular area is uniquely appropriate for acquisition due to its pattern of conflicting land uses. The area has developed over many years as semi-rural residential. However, the surrounding territory is planned and zoned for industrial park development. This 15-acre area is strategically located for future inclusion in the surrounding industrial park development due to its frontage on the two major arterials which will service the industrial area. Without acquisition and redevelopment, the existing residential use of this area will be in conflict with surrounding land uses."

3.015 Cooperative Agreements, is hereby amended to include the following project activity by adding the following sentence to the end of Section 3.015:

In addition, the Agency may offer planning, design, and marketing assistance to property owners of industrial sites within the District.

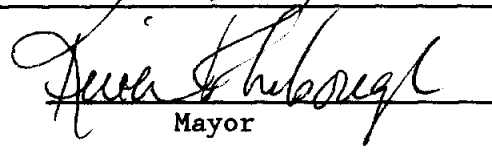
Section 3: The areas which are proposed for inclusion within the District by this amendment, shall upon adoption of this amendment, be subject to the division of ad valorem taxes as provided in ORS 457.440 in the same manner as other properties within the District.

Section 4: Upon adoption, this amendment shall be filed with the Linn County Assessor's office, and copies of the ordinance and findings shall be provided to all affected taxing districts. In addition, notice of the adopted ordinance shall be published in the legal notices of the Albany Democrat Herald.

Passed by the Council: February 8, 1989

Approved by the Mayor: February 9, 1989

Effective Date: March 10, 1989



Mayor

ATTEST:



City Recorder

Exhibit A

FINDINGS IN SUPPORT OF AMENDING
THE ALBANY ECONOMIC DEVELOPMENT DISTRICT
URBAN RENEWAL PLAN AND REPORT, MAY 1982
PLAN AMENDMENT NO. 2, JANUARY 1989

The following specific findings relate the proposed district boundary amendments and Plan project amendments to the adopted Plan and Report, Ordinance No. 4502, as amended further by Ordinance No. 4678.

PART I - THE PLAN

ARTICLE I - INTRODUCTION:

1.020 Legal Authority. This amendment has been prepared pursuant to Oregon Revised Statute (ORS) Chapter 457. The amendment has been proposed for adoption following public hearings as required by law. The amended Plan will continue to be administered by the Albany City Council acting in its capacity as the local Urban Renewal Authority, otherwise known as the Albany Redevelopment Agency (ARA).

Expansions to the existing ARA District are limited by three separate provisions of ORS 457. They are as follow:

1. ORS 457.220 places an ultimate limit on land which can be cumulatively added to a district by amendment. That limit is 20% of the total original land area of the district, which for the ARA district is 20% x 1.574 (original acres) = 314.8 acres. In February 1985, 127 acres were added to the district south of Allen Lane. This leaves an available balance under this restriction of 187.8 acres.
2. ORS 457.420 (2)(b)(B) limits total land area within urban renewal districts in a municipality to 25% of the total land area of the municipality. Albany currently has a total of approximately 7,625 acres. The current ARA district totals 1,701 acres. In addition, there are 109 acres in the North Albany urban renewal district within the city resulting in a combined total of 1,810 acres. Twenty-five percent of 7,625 is 1,906.25 which leaves an available balance of 93.75 acres. If Benton County were to abolish the North Albany District, the larger acreage allowance of 187.8 acres would be available under the first limitation discussed above.
3. ORS 457.420 (2)(b)(A) limits the size of an urban renewal district by "...25% of the total assessed value of that municipality, exclusive of any increased assessed value for other urban renewal areas." When this was last reviewed in 1984, the frozen value of the ARA district represented 18% of the value of the entire city. There have been no significant changes in the proportionate values inside and outside of the district since 1984 which would indicate that this limitation would apply to the amendments under consideration. The total assessed value of the two areas proposed for addition to the District totals \$4,975,600, which is less than one percent of total assessed value of the city (\$630,420,703) and less than four percent of the original frozen value of the district (\$126,642,906).

Conclusion: The proposed additions, totalling approximately 58 acres, comply with the area and assessed value limitations on Plan amendments found in ORS Chapter 457.

1.040 Declaration of Need and Intent. The subject areas during recent inspections have been found to be characterized by the following blighted factors described in ORS 457.010(1):

- (c) The division or subdivision and sale of property or lots of irregular size or dimensions for property usefulness or development.
- (e) The existence of inadequate streets and other rights-of-way, open spaces and utilities.
- (g) A prevalence of depreciated values, impaired investments, and social and economic maladjustments to such an extent that the capacity to pay taxes is reduced and tax receipts are inadequate for the cost of public services rendered.
- (h) A growing or total lack of proper utilization of areas, resulting in a stagnant and unproductive condition of land potentially useful and valuable for contributing to the public health, safety, and welfare.

Conclusion: The City finds that, in order to correct the above described conditions on the subject properties and to realize the Plan objectives set forth in Section 1.070 of the Plan, it is in the best interest of the community to include the properties within the Albany Economic Development District in order to extend the benefits of the District to the properties and to facilitate their proper development utilizing the authority of ORS Chapter 457.

1.050 Citizen Participation. These amendments will have been the subject of two public hearings advertised in the Albany Democrat Herald and publicly posted. Interested citizens have been invited to submit written and oral testimony prior to the final decision.

1.070 Relationship to Local Objectives. This amendment fulfills the same objectives of the original Plan as specified in Section 1.070. In addition, the amendment is found to be consistent with all provisions of the Albany Comprehensive Plan as recently amended.

Conclusion: This amendment complies with citizen participation requirements of state law, the City's Comprehensive Plan, and all objectives of the adopted urban renewal plan.

ARTICLE II - THE DISTRICT

2.010 Boundary. The existing boundary of the District will be amended to include the areas described in Exhibits E and F with the adoption of the proposed amendment ordinance.

These areas were selected for addition to the District following a thorough examination of surrounding properties which exhibited conditions of blight and within which urban renewal project assistance was determined to be needed. After reviewing the limitations on the expansion of urban renewal districts and considering the relative importance to the entire community of improving each of the areas, it was determined by the City Council that the two areas subject to this amendment were of greatest importance.

Conclusion: The areas proposed for addition to the District are appropriate for inclusion at the present time due to their contiguous location and need for redevelopment assistance consistent with the stated objectives of the Plan.

2.020 Land Use Plan. The Land Use Plan for the District, including the areas added by this amendment, consists of the City of Albany Comprehensive Plan and Development Code regulatory provisions as they apply to properties within the District. The City's Plan and implementing regulations have been found to comply with state land use planning requirements by the Land Conservation and Development Commission.

Conclusion: The proposed amendments comply with the land use plan for the District since it is the same land use plan as would be applied to the subject properties without their addition to the District.

ARTICLE III - PROJECTS AND ACTIVITIES

The following is a list of projects proposed for addition by amendment to the ARA Plan:

SECTION 3.011 PUBLIC IMPROVEMENTS

A. STREETS

High Priority

- First and Second Avenue realignment with Salem Avenue between Oak and Hill Streets.
- Main Street improvement, Pacific Boulevard to First Avenue.
- Santiam improvement, Main Street to Pine Street.
- Hill Street improvement, Pacific to Fourth Avenue including new railroad crossing at Sixth Avenue.
- Sixth Avenue improvement, Main to Sherman.
- Pacific Boulevard/Ninth Avenue couplet project.
- Improved railroad crossings on 34th Avenue.

SECTION 3.013 ACQUISITION AND REDEVELOPMENT

- Property assembly, relocation assistance, public improvements to and clearance of the 15-acre addition at Allen Lane and 99E.

This last project amendment is intended to grant the Albany Redevelopment Agency authority to acquire property through the use of eminent domain, if necessary in order to effectively achieve the redevelopment of this area (see Exhibits C and E). This particular area is uniquely appropriate for acquisition due to its pattern of conflicting land uses. The area has developed over many years as semi-rural residential. However, the surrounding territory is planned and zoned for industrial park development. This 15-acre area is strategically located for future inclusion in the surrounding industrial park development due to its frontage on the two major arterials which will service the industrial area. Without acquisition and redevelopment, the existing residential use of this area will be in conflict with surrounding land uses.

SECTION 3.015 COOPERATIVE AGREEMENTS

- Planning, design, and marketing assistance for industrial sites within the District.

Conclusion: The above listed projects are necessary and appropriate amendments to the Plan in order to fulfill the objectives of the Plan and to provide commensurate redevelopment assistance to the areas proposed for inclusion within the District.

ARTICLE IV - METHODS FOR FINANCING URBAN RENEWAL PROJECTS

4.020 Self-Liquidation of Cost of Project. The areas which are proposed for inclusion within the District by this amendment, shall upon adoption of this amendment, be subject to the division of ad valorem taxes as provided in ORS 457.440 in order to fund the Agency's share of project costs. It is anticipated that the future redevelopment of the added areas to the District will generate sufficient tax increment revenues to pay for the added costs of projects specifically benefitting those areas. Since these areas have not experienced any significant redevelopment activity for many years, it can also be assumed that no incremental value would occur within these areas without redevelopment project assistance.

Conclusion: The additional projects proposed by this amendment will be paid for by tax increment revenues generated by the anticipated incremental value increase within the District. Much of this value will be stimulated by the projects proposed in this amendment.

ARTICLE V - AMENDMENTS

5.010 Procedure for Changes in the Approved Urban Renewal/Redevelopment Plan. The adopted Plan anticipated that periodic amendments would be made to the Plan as community needs change. The changes proposed by this amendment are "substantial" as that term is used in the amendment section of the Plan. Therefore, the procedure for adopting this amendment is the same as adoption of the original Plan. A public hearing is required before both the Planning Commission and City Council and published notice of the hearings and of adoption of Plan amendments is also required.

Conclusion: The procedures followed for adoption of this amendment are the same as those used to adopt the original Plan and they provide for ample participation by all persons and agencies affected by the amendments.

PART II: THE REPORT

Part II of the Albany Economic Development District Urban Renewal Plan and Report addresses the requirements of ORS 457.085 (3)(a-1). The additional areas and projects discussed previously in these findings are by this reference also applicable to corresponding sections of the Report. The amendments have no additional substantial affect on provisions of the Report which would require further amendments to the Report.

Conclusion: The proposed amendments are consistent with the Report section of the Plan and Report document. The additional projects and territory added to the District are discussed adequately in findings listed above and within amendments proposed to the Plan section of the Plan and Report document. Thus, no further amendments to the Report are proposed at this time.

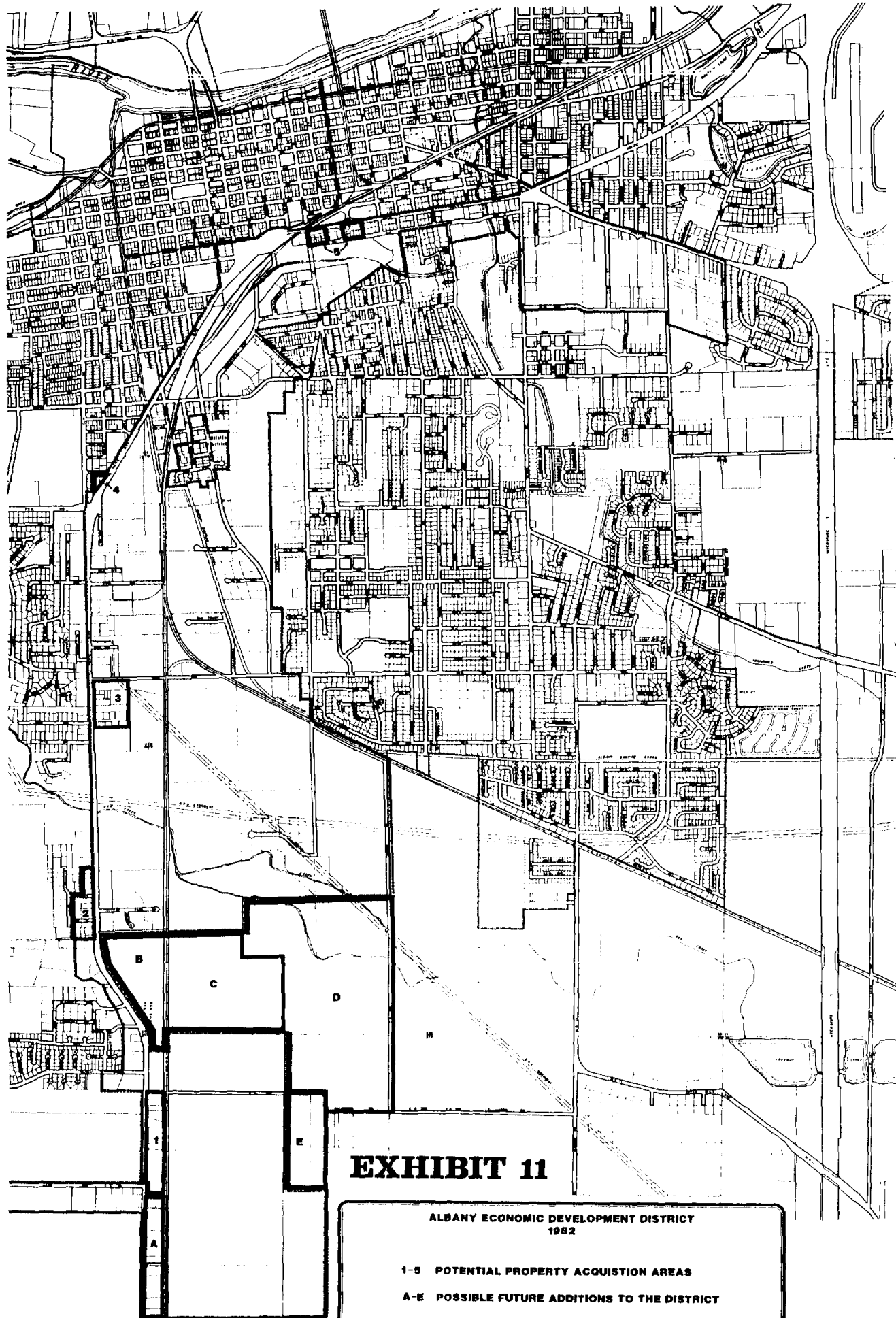
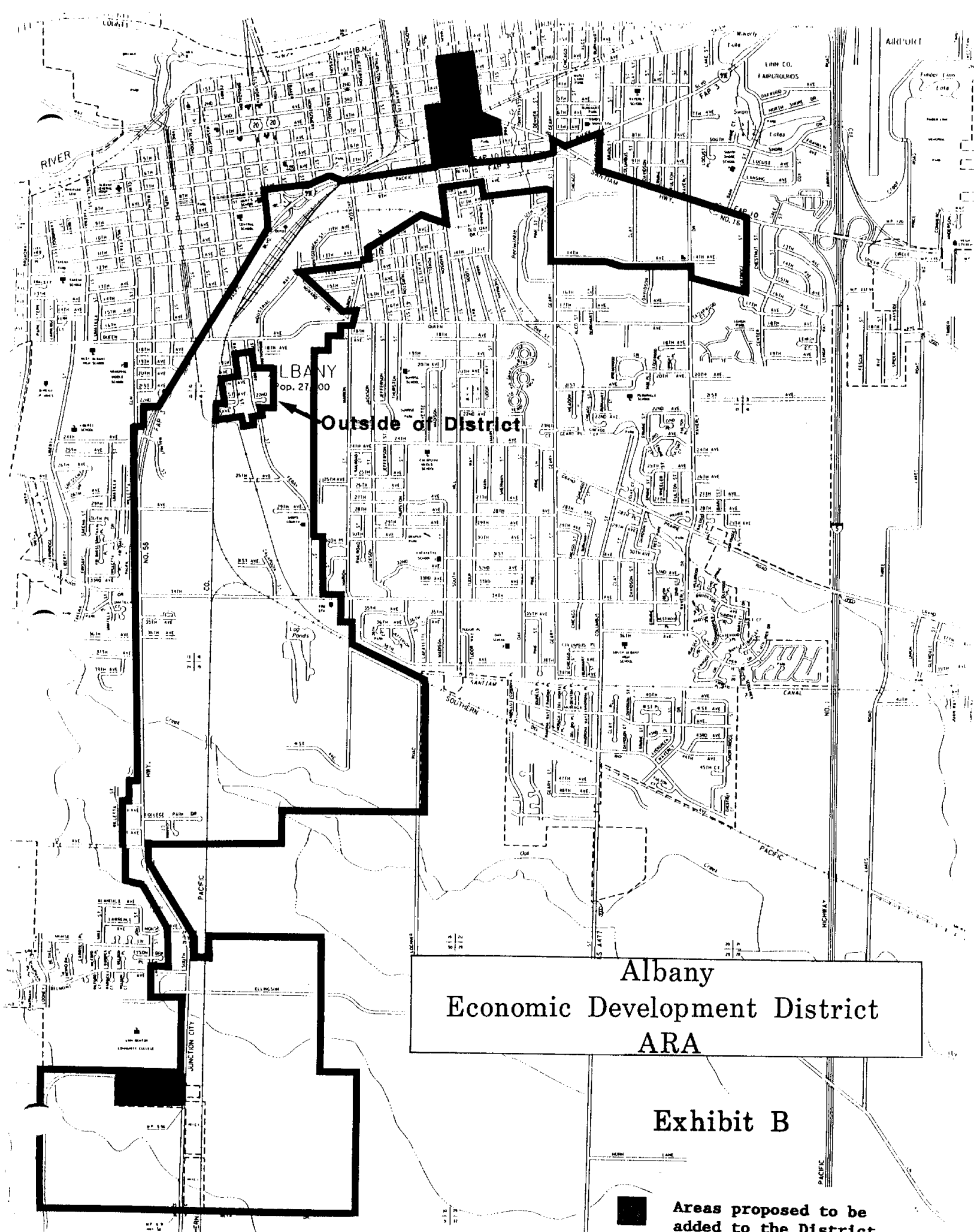


EXHIBIT 11

ALBANY ECONOMIC DEVELOPMENT DISTRICT
1982

1-5 POTENTIAL PROPERTY ACQUISITION AREAS

A-E POSSIBLE FUTURE ADDITIONS TO THE DISTRICT



Albany
Economic Development District
ARA

Exhibit B

■ Areas proposed to be added to the District.

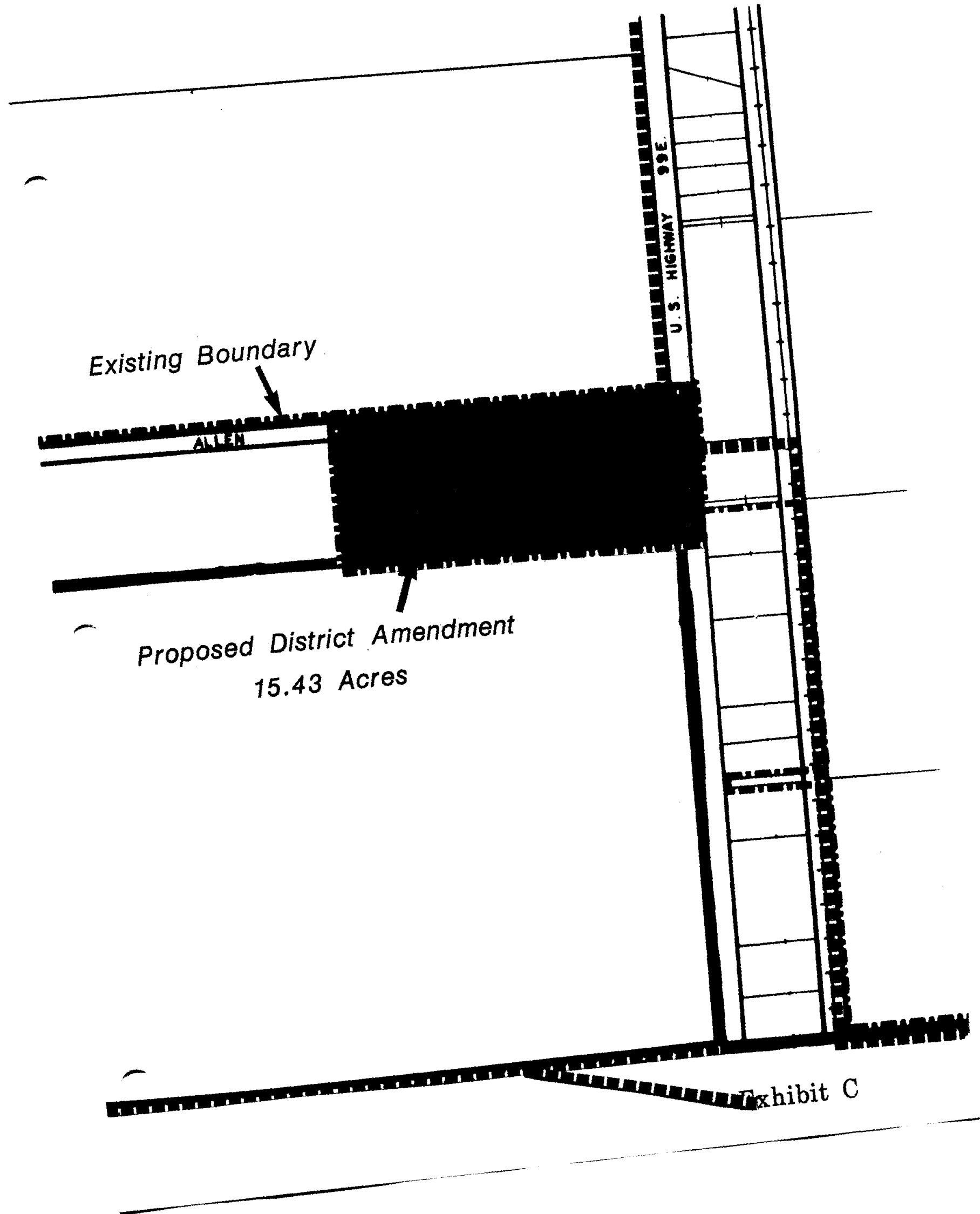
Existing Boundary

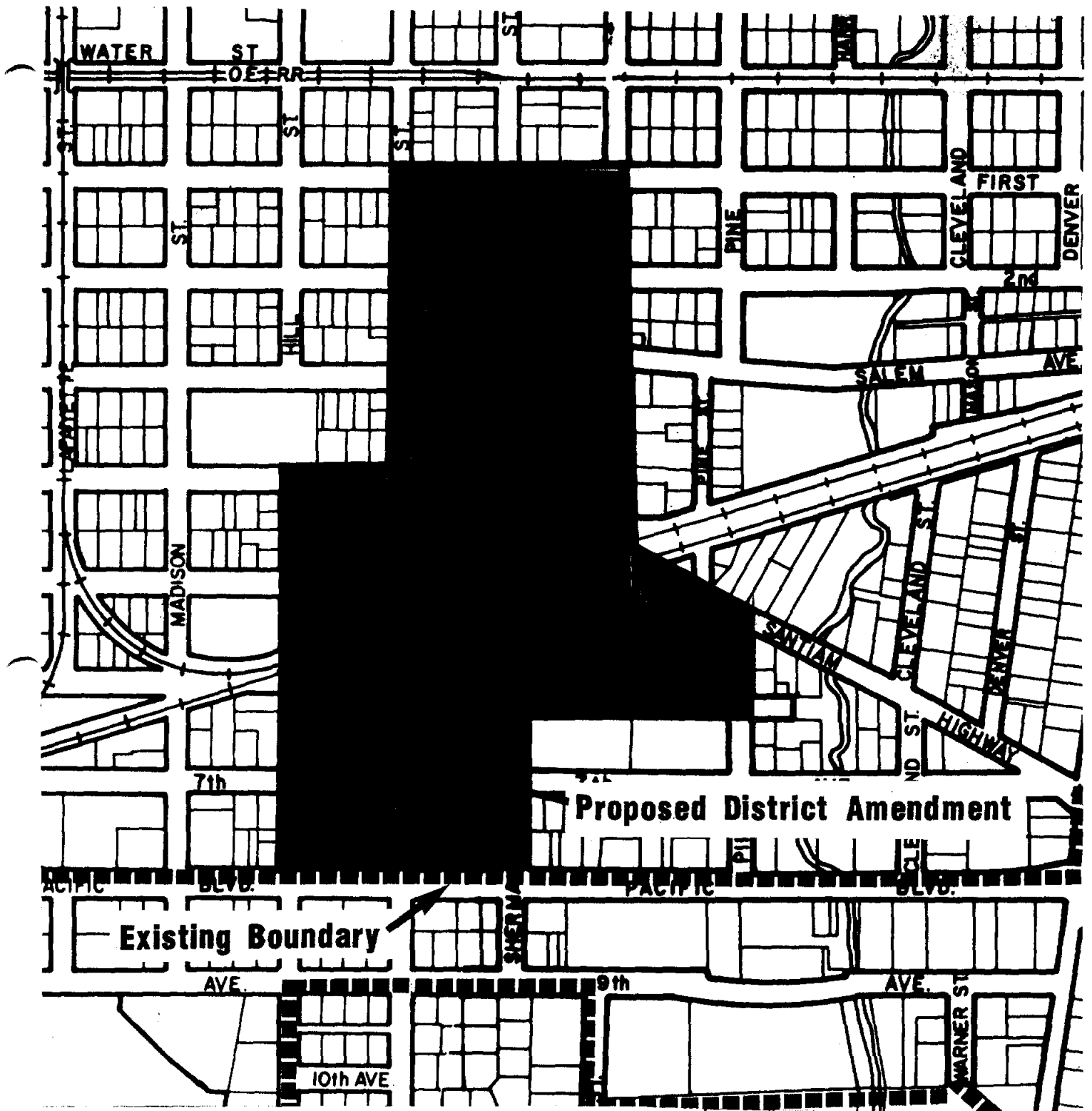
ALLEN

U.S. HIGHWAY 99E

Proposed District Amendment
15.43 Acres

Exhibit C





Proposed District Amendment

42.42 Acres

Exhibit D

EXHIBIT NO E

Beginning at a point on the east right-of-way line of Pacific Highway, said point being South 89°36' East, 370.31 feet and South 0°32' West, 1240.00 feet from the northeast corner of the Francis Simpson DLC No.76, Section 25, Township 11 South, Range 4 West, Willamette Meridian, City of Albany, Linn County, Oregon;

1. Thence North 89°36' West on the north right-of-way line of Allen Lane, 1358.00 feet;
2. Thence South 0°32' West, 575.00 feet to the southwest corner of that parcel conveyed to Jesse E. and Frieda M. Barnes in Book 160, Page 213, Linn County Deed Records;
3. Thence South 89°36' East, parallel to the north right-of-way line of Allen Lane, 1358.00 feet to the east right-of-way line of Pacific Highway;
4. Thence North 0°32' East on the east right-of-way of Pacific Highway, 575.00 feet to the point of beginning.

The above described parcel contains 15.43 acres more or less.

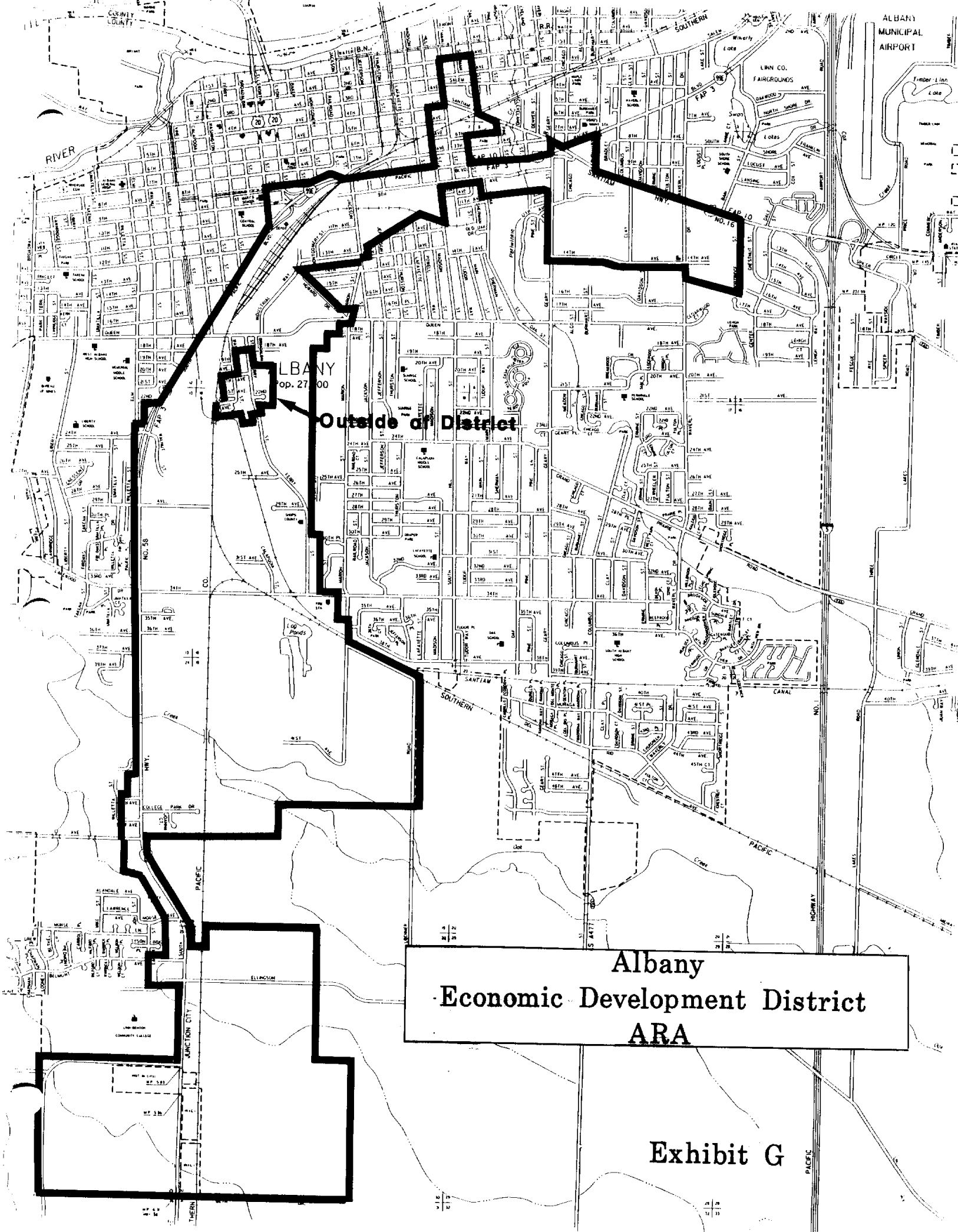
EXHIBIT NO. F

Beginning at a point at the the northwest corner of Lot 1, Block 6, Hackleman's Heirs Addition, Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon, said point being the intersection of the east right-of-way line of Pine Street with the south right-of-way line of 6th Avenue;

1. Thence North $9^{\circ}10'17''$ West on the east right-of-way line of Pine Street, 325.05 feet to the intersection of the east right-of-way line of Pine Street with the north right-of-way line of Santiam Highway;
2. Thence North $73^{\circ}30'57''$ West on the north right-of-way line of Santiam Highway, 344.01 feet to the intersection of the north right-of-way line of Santiam Highway with the extended east right-of-way line of Oak Street;
3. Thence North $9^{\circ}10'17''$ West on the extended east right-of-way line of Oak Street, 565.55 feet to the intersection of the east right-of-way line of Oak Street with the north right-of-way line of Salem Avenue;
4. Thence South $85^{\circ}15'$ West on the north right-of-way line of Salem Avenue, 20.00 feet to the intersection of the north right-of-way line of Salem Avenue with the east right-of-way line of Oak Street;
5. Thence North $9^{\circ}10'17''$ West on the east right-of-way line of Oak Street, 534.10 feet to the intersection of the east right-of-way line of Oak Street with the north right-of-way line of First Avenue;
6. Thence South $81^{\circ}45'$ West on the north right-of-way line of First Avenue, 726.00 feet to the intersection of the north right-of-way line of First Avenue with the west right-of-way line of Main Street;
7. Thence South $9^{\circ}10'17''$ East on the west right-of-way of Main Street, 870.00 feet to the intersection of the west right-of-way line of Main Street with the north right-of-way line of Fourth Avenue;
8. Thence South $81^{\circ}45'$ West on the north right-of-way line of Fourth Avenue, 331.00 feet to the intersection of the north right-of-way line of Fourth Avenue with the west right-of-way line of Hill Street;
9. Thence South $9^{\circ}10'17''$ East on the vacated west right-of-way line of Hill Street, 1154.00 feet to the intersection of the west right-of-way line of Hill Street with the north right-of-way line of Pacific Boulevard;
10. Thence North $81^{\circ}45'$ East on the north right-of-way line of Pacific Boulevard, 727.00 feet to the intersection of the north right-of-way line of Pacific Boulevard with the east right-of-way line of Sherman Street;

11. Thence North $9^{\circ}10'17''$ West on the east right-of-way line of Sherman Street, 445.70 feet to the intersection of the east right-of-way line of Sherman Street with the south right-of-way line of Sixth Avenue;
12. Thence North $81^{\circ}01'09''$ East on the south right-of-way line of Sixth Avenue, 660.00 feet to the point of beginning.

The above described parcel contains 42.42 acres more or less.



ALBANY
Pop. 27,000

Outside of District

Albany
Economic Development District
ARA

Exhibit G