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ORDINANCE NO. 4230

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 13.46 ACRES OF PROPERTY LOCATED ON THE SOUTH SIDE OF QUEEN AVENUE WEST OF BROADWAY STREET AS R-1(6) PUD ZONING AND WITHDRAWING SAID TERRITORY FROM THE 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. 4220 adopted on the 13th day of December, 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 27th day of December, 1978, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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, and zoned as R-1(6) PUD.

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Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the 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. 4220, 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.

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: December 27, 1978

Approved by the Mayor: December 27, 1978

Effective Date: December 27, 1978



\_\_\_\_\_  
Mayor

ATTEST:

  
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Deputy City Recorder

Staff Report

November 6, 1978 - PC  
November 20, 1978 - PC Cont.  
December 27, 1978 - CC

PUBLIC HEARING - CONSENT ANNEXATION REQUEST

Keller Development Co. (Journal No. A-16-78)

Location: South side of Queen Avenue west of Broadway Street (Assessor's Parcel Map 11-4W-13B, Tax Lots 1600, 1700)

Area: 13.46 acres

Number of existing living units: 2

School Districts: Nos. 5 and 8J

Requested Zoning: R-1(5) PUD

Consultants: Elliott and Price, Consulting Planners

This consent annexation and R-1(5) PUD Zoning request involves property containing a total of 13.46 acres located on the south side of Queen Avenue (Riverside Drive) between the Calapooia River and Broadway Street. The property is only contiguous to the City limits by a narrow strip of land which provides access to Hazelwood Park across Queen Avenue. The property contains two older residences and the remnants of an orchard. As City Council members will recall, this general area was also the subject of an unsuccessful triple 50% annexation effort nearly a year ago. The applicant at this date has no specific plan for the property other than a desire to utilize the Planned Unit Development format to combine single family dwellings with one and two-level condominiums. The requested zoning would allow a maximum density of 128 units with PUD approval.

The various City Departments reviewed this request as has Linn County and the following findings resulted:

- (1) Water and sewer service are not immediately available to the property but will have to be extended at the developer's expense. (except that the City normally pays for sanitary sewer oversizing costs).
- (2) This section of County Road has not been improved to urban standards.
- (3) There is a high demand for residential property in the West Albany area.
- (4) This property has several unique features which make it well suited for urban residential development.
- (5) The findings submitted by the applicant adequately demonstrate compliance with the Comprehensive Plan and LCDC Goals and Guidelines.
- (6) The findings adequately demonstrate public need for the requested zoning of R-1(6) PUD with the density not to exceed 107 units.

At their November 20th meeting, the Planning Commission recommended to the City Council that this parcel be annexed and zoned as R-1(6) based upon findings 3, 4, and 5 stated above and the proponents facts (herein attached) as well as Housing Exhibit "A".

Gerald Elliott  
Robert Price

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730 E. Queen Ave. #27  
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Supplementary Information for  
Consent Annexation Petition

This area of West Albany has been designated by Linn County for UR (Urban Residential) zoning, and is shown on both the City of Albany and Linn County Comprehensive Plans for future Urban Residential development. Under county zoning the density could be a minimum of 6500 square feet (with the use of Section 29.065 of LCZO), while city zoning would allow a minimum density of 4500 square feet in unsubdivided development when the P.U.D. format is used in conjunction with R-1(5) zoning. In order to avoid problems with a "delayed annexation" situation between the city and the county, and in an attempt to maximize the value and usability of the land, the requested, and the most feasible zoning is R-1(5).

The area would be serviced by a 12 inch "oversized" sewer line, and by a six inch water line from Pacific Power & Light's water system. The nearest point of the sewer line is 500 feet, and the water line is less than 1,000 feet northeast on Queen Avenue. Other development considerations will be the traffic network, general pedestrian and vehicular circulation, open space, preservation of historic structures and natural features, and other quality factors. As a result, this area will be developed in a decent and quality manner which will reflect the increasingly high character of the West Albany area.

While there appears to be some recent concern that "rentals" may be "overbuilt" in Albany, the market for homes has been strong and relatively steady. In recent years, most home construction has been in the South Albany area, leaving the West Albany area to become an area of increasing age and decreasing physical condition and lagging values. With some increasing development of proposed areas such as this, the character and confidence of the entire West Albany area can be re-established, and some balance in the home construction market might be re-established for Albany as a whole.

The following is a complete addressing of the Goals and Guidelines as set forth by LCDC, for the purpose of showing compliance and justification with and for each Goal in regard to this proposed annexation, and further demonstrating the public need for this annexation and the requested zoning designation.

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1. Citizen Involvement - Guaranteed by the Neighborhood Citizen Involvement Program in West Albany. The public hearings held by the City of Albany Planning Commission and the City Council give the people an adequate opportunity for input on the proposal.
2. Land Use Planning - The current land use planning process and policy framework in use by the City of Albany, including the Comprehensive Plan, Zoning Ordinance, the various inventories and other data which have been, and are currently being gathered seem to fulfill this goal. This proposal is consistent with the Comprehensive Plan and is being considered and carried out within the guidelines of the Goal.
3. Agricultural Lands - Although the land was in agriculture in the past (pasture and orchard), the economic feasibility of the preservation of this land for agricultural purposes may be highly questionable. While some pasturing may continue to occur, the orchard area is now so decrepit that many trees are gone, and those remaining lack proper care for anything other than nominal production. There is little agricultural land in the immediate area, until one crosses the Calapooia River to the west and moves along Oakville Road to the south. Because this area is, however, within the Urban Growth Boundary area, it is considered to be "committed" land.
4. Forest Lands - This property is not forest land at all, but small local stands of oak, cedar and fir would yield a one-time harvest on a very small scale.
5. Open Spaces, Scenic and Historical Areas, and Natural Resources - While the "total open space" nature of the property would be reduced by annexation, zoning to R-1(5) and any subsequent development, the owner has every intention of preserving and protection the open space concept on the property by intelligent site planning, design of structures, preservation of the historic structures (Chase House and fruit drying tower), and protection of natural resources and historic areas within the property such as the row of old oaks along Perfect Lane and the row of cedars and firs along Queen Avenue, plus as much of the orchard as possible.
6. Air, Water and Land Resources Quality - To as great a degree as possible, any development of this property will strive to preserve and protect, and where possible, improve on the air, water and land resources quality of the area. Due to the use of sanitary and storm sewers, there may be less ground and water pollution than if the property were developed without such facilities, and the land's own resources may be put to greater use in certain respects with a greater degree of development and more intensive use of the land.

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7. Areas Subject to Natural Disasters and Hazards - Because the land is above the level of the Calapooia flood plain, it is not in any known earthquake or volcanic zone, has a stable subsurface geology, and does not have a restrictive topography, it would not appear that natural disasters or hazards will be a problem. Current surface drainage and runoff will be improved, for the benefit of the entire area, as this property is developed.
8. Recreational Needs - Any property zoned R-1(5) will require some recreational spaces, and the city-owned park directly north of Queen Avenue, across from the property should be adequate. This park appears to be underutilized at the present time, and may be further equipped and developed as the area around it grows. This property has good access to the West Albany High School-Memorial Jr. High School and Memorial Stadium areas, and to Bryant Park and the proposed Bowers Rock State Park area.
9. Economy of the State - Annexation of this area and the subsequent zoning to R-1(5) would result in some form of residential development in the area in the future. Any construction taking place would contribute to reducing unemployment in the area, and the proliferation of contractors, sub-contractors and suppliers in all phases of the construction industry. Transportation of goods and personnel is stimulated, as is industrial production and the wholesaling of goods and services, and the administration aspect of the public sector. Also, once land is annexed and developed it becomes a contributor of property tax dollars to the local, regional and state economies.
10. Housing - The annexation and R-1(5) zoning of this property would contribute to a more balanced situation in the location of housing in the Albany area, and would add to the stock of housing in the more expensive category, whether the housing would be single-family dwellings or condominiums. While specific figures on the market may not be readily available, it has become an opinion of most builders in Albany that building sites are "few and far between", and that West Albany suffers from this paucity more than any other residential area of the city. With the constant trend toward growth in South Albany, it would seem that increased residential development areas in other parts of the city would lead to more balanced growth. This particular property should be considered a "highly buildable area" due to its topography, proximity to existing facilities and services, the transportation network, and other city amenities. As a result of these various factors, housing would be a very feasible and viable use of the land, and would be an asset to the city.
11. Public Facilities and Services - While the annexation and R-1(5) zoning of this property may place a greater burden on public facilities and services than currently

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exists in this particular West Albany neighborhood, it is doubtful that such burden would create significant problems. The sanitary sewer in this area is "oversized" and should be fully capable of handling the increased load. The nearest point of the sewer from this property is approximately 500 feet, and water is less than 1,000 feet away. Police and fire protection should not be significantly pressured because this property is not particularly large in size, and, conceivably, could not contain more than about 100 units of any type. According to "School District Enrollment Figures" prepared by the City of Albany Planning Department, in the urban area the student-dwelling unit ratio has been decreasing steadily and is now below one-half (½) student per housing unit. The schools in District 8 have been experiencing declining enrollment, and the schools of District 5 have been increasing only by miniscule numbers. It would appear that this property, if zoned R-1(5), would contribute less than 50 additional students to the entire school system. With regard to other urban facilities and services such as planning, health services, energy and communication, and community governmental services, annexation and development of a property of this size and in this location should not create even the smallest problems which could not be accommodated.

12. Transportation - Local transportation systems would most likely feel very little impact from annexation and R-1(5) zoning of this property. Although Queen Avenue may be considered to be in fair-to-good condition, the traffic volume is light to moderate, with most vehicles being automobiles, with some medium to heavy trucks. Most traffic generated by any development on this property would move toward the east, into Albany's core. Mass transit is not a major intraurban consideration in Albany, thus causing the automobile to be the main mode of transportation for all of Albany, not just this property. With the minimal use of internal streets, any development would reduce the various social, economic and environmental impacts on the immediate area, and the total number of vehicle trips generated should actually be less than most other new development areas in the city.
13. Energy Conservation - The proximity of this area to the core area of Albany, the Pacific Blvd. industrial area, and the entire west side would promote some energy savings through less travel time and shorter vehicle trips. In addition, the utilization of a "close-in" property such as this, especially on the west side, may contribute toward a lesser pressure for expansion and development on land which is further distant in the South and North Albany areas.
14. Urbanization - This property falls within the "urbanizable lands" category, not only because it is within the Albany

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Urban Growth Area and is contiguous to the city limits, but because it is one of the few larger tracts of land in this particular area. As such, it may be developed as a unit to any intensity within the R-1 zoning framework. However, because of its character as a larger tract within the urbanizing area, it should be developed to no less an intensity than the maximum allowable in order to provide housing in the West Albany area in a feasible manner, and to maximize the value of this land.

- 15. Willamette River Greenway - does not apply.
- 16. Estuarine Resources - does not apply.
- 17. Coastal Shorelands - does not apply.
- 18. Beaches and Dunes - does not apply.
- 19. Ocean Resources - does not apply.

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- 9. In order to obtain urban services from the city for the anticipated future development of these properties. This process of annexation proposal must begin now if these properties are to be developed for a future demand which is foreseeable today, and developed under an economically feasible situation in today's market.
- 10. These properties are proposed to be developed under a planned unit development (P.U.D.) format using a combination of single-family dwellings and one- and two-level condominiums.



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Housing Market Analysis for Linn County

A recent Housing Market Analysis has been completed which offers some information and insight into the supply and demand relationships of the general housing market for Linn County. This analysis attempts to develop some explanations and draw some conclusions on the past, present and future trends of the housing market. This analysis was done by the State of Oregon Housing Division (Department of Commerce) and estimates the ". . . demand for new nonsubsidized housing over a two-year period, beginning July 1, 1978." The purpose of this analysis was ". . . to provide planning assistance to local jurisdictions in Linn County in assessing their housing needs." However, the following two points must be kept in mind when dealing with this analysis. They are:

- the figures used in the analysis are estimates only, and are not official statistics or forecasts;
- this analysis is for all of Linn County, not just for Albany. Figures of this nature for Albany are not currently available.

Nevertheless, the trends, figures and projections may closely approximate the housing market situation in Albany due mostly to Albany's pre-eminant position in the county.

We have drawn up some of the conclusions, statements and figures into eight general points for consideration. They are:

1. Population has been increasing at an annual average of 2.3% since 1970, but is estimated to be 2.9% per year between 1978 and 1980.
2. While population will increase, household size will decrease, from 3.316 persons per household in 1960 to 3.152 persons in 1970 to 2.750 persons in 1978 to a projected 2.70 persons per household in 1980.
3. Total number of households increased by more than 28% from 1960 to 1970, by more than 38% from 1970 to 1978, and by more than 77% overall between 1960 and 1978.

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Housing Market Analysis (con't.)

4. Of all occupied units in 1978. 69.7% were owner-occupied and 30.3% were renter-occupied. Comparative figures in 1960 were 73.4% and 26.6%, and for 1970 were 70.1% and 29.9%.
5. Total vacancies since 1960 have actually decreased by 351 units, while total number of households have increased by 13,714. Total vacant units in 1960 were 1,828, in 1970 were 1,540 and in 1978 are 1,477.
6. Linn County overall is characterized by a low vacancy rate, and the decline continues to occur. The vacancy rate in renter-occupied units has dropped from 10.1% in 1960 to 7.4% in 1970 to 4.2% in 1978.
7. In order to bring a balance of supply and demand into housing production, Linn County needs 723 single-family units and 325 multiple-family units per year added to the inventory.
8. In terms of annual demand for single-family units (the figure of 723 units in item 7 above), almost 60% (59.4%) will fall into the "\$40,000 - 50,000" category, and another 10% (10.1%) will fall into the "\$70,000 and over" category.

Three significant conclusions might be drawn from these eight points:

1. While total population and the number of households are constantly increasing for Linn County, the average household size and the vacancy rate are constantly decreasing. This means that more people are looking for housing and having a smaller market with which to deal.
2. The greatest demand exists for the "moderately priced homes", but a significant demand exists in the market for "highly priced homes". Between the two categories listed in item 8 above,

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Housing Market Analysis (con't.)

the demand totals almost 70% of the total estimated demand.

3. Although the percentage of owner-occupied units is decreasing and the percentage of renter-occupied units is increasing, the respective changes are not of a significant magnitude as to indicate a major shift to renter-occupied units as the dominant type of dwelling unit.

OFFICE OF SURVEYOR

LINN COUNTY - - ALBANY, OREGON

PHONE 926-5641

October 10, 1978

With C. S. 2017

Bob Price

Proposed Annexation

Beginning 8.60 chains S.54°55'W. and 20.00 chains S.51°15'W. from the Southwest corner of the Walter Monteith D. L. C. No. 55 in T. 11 S., R. 4 W. of the Will. Mer., Linn County, Oregon; and running thence S.38°45'E. 660 feet; thence N.51°15'E. 924 feet; thence N.38°45'W. 690 feet to the Northwesterly right of way line of Southwest Queen Avenue; thence Southwesterly along said right of way line 924 feet, more or less, to a point which bears N.38°45'W. of the point of beginning; thence S.38°45'E. to the point of beginning.

City of Albany  
Engineering Dep't  
'Keller' Annexation  
January 1979

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*J. Wayne Hickey*

OREGON  
SEPTEMBER 23, 1917  
T. WAYNE HICKEY  
1215

SW Cor Blk 7 Add  
Huswood N. 90° E.

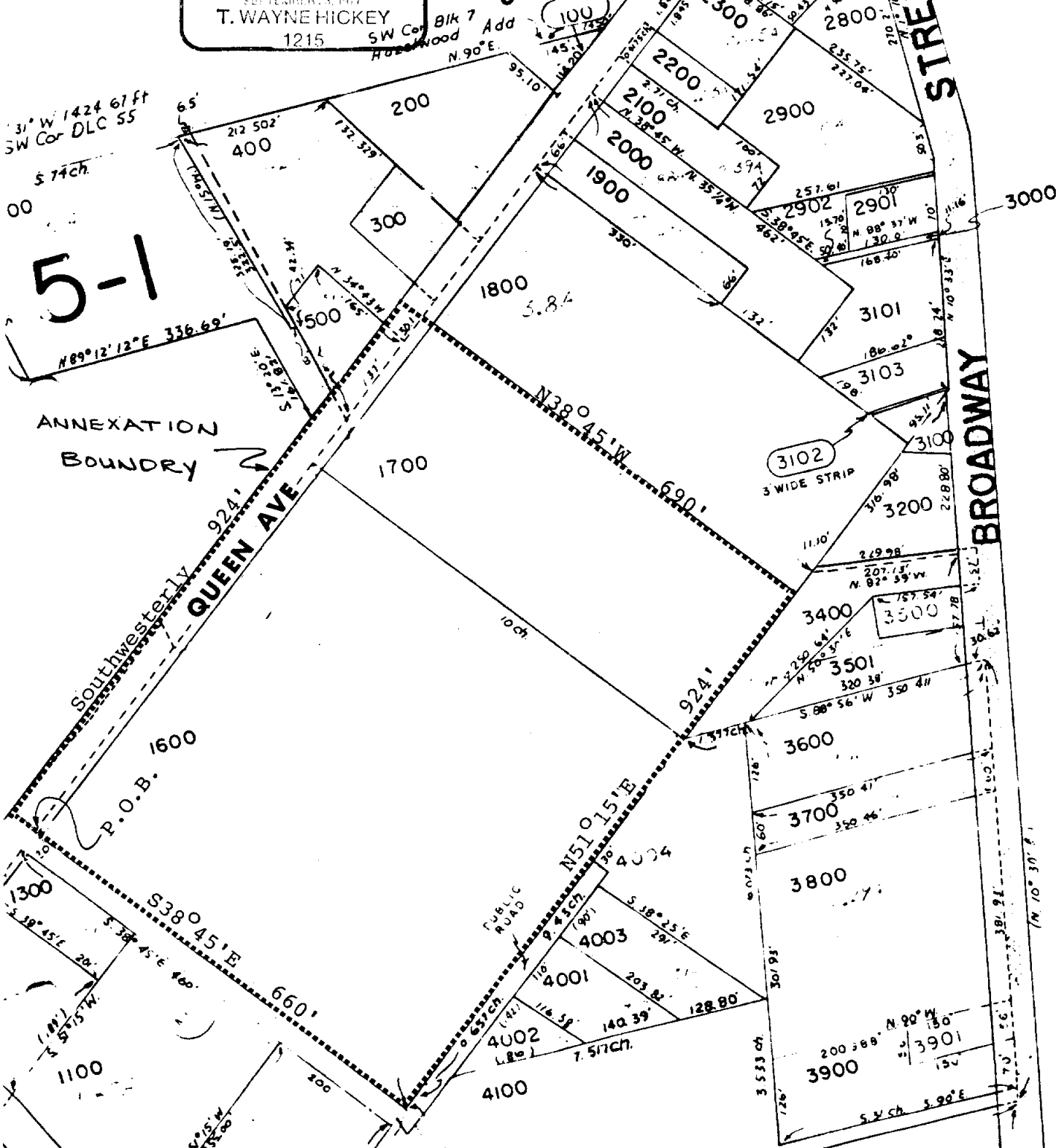
SW Cor Walter Monteith  
DLC. 55

12CB

31° W 1424.67 ft  
SW Cor DLC 55  
5.74 ch.

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ANNEXATION  
BOUNDARY



See Map 114 M 120

OFFICE OF SURVEYOR  
LINN COUNTY - - ALBANY, OREGON  
PHONE 926-5641

October 10, 1978

With C. S. 2017

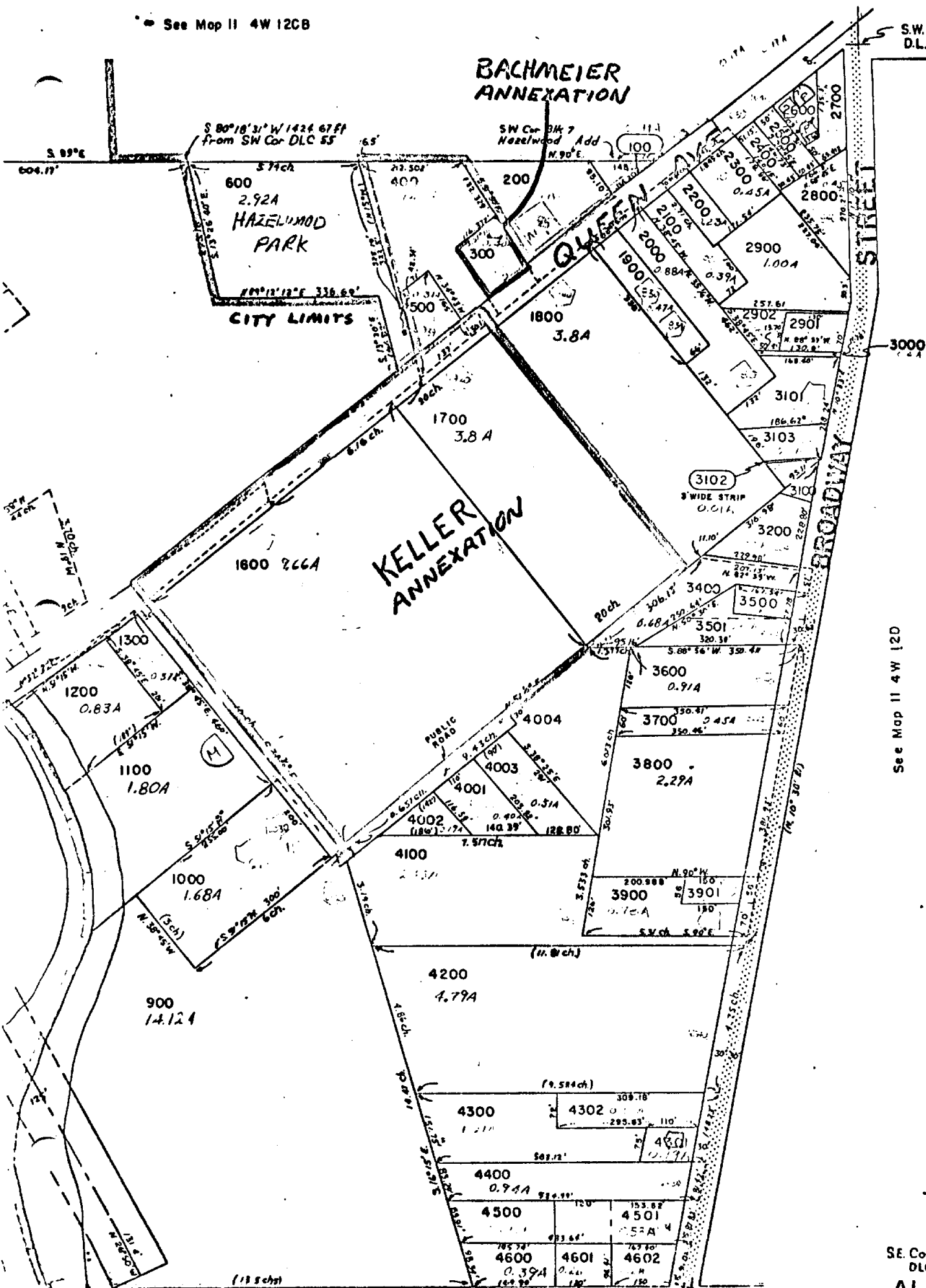
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See Map II 4W 12CB

S.W. Cor. Walter Monteith  
D.L.C. 55



See Map II 4W 12D

SE. Cor. G. Cline  
DLC 84

ALBANY