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ORDINANCE NO. 4116

AN ORDINANCE ANNEXING PROPERTY LOCATED SOUTH OF THE SOUTHERN PACIFIC RAILROAD LINE AND WEST OF COLUMBUS STREET AND ZONING THIS PROPERTY AS R-1(5) SINGLE FAMILY RESIDENTIAL AND DECLARING AN EMERGENCY.

WHEREAS, on the 22nd day of February, 1978, at a regular Council meeting, the Council of the City of Albany, Oregon, did duly pass Ordinance No. 4105, wherein it was provided that a public hearing would be held on the 8th day of March, 1978, concerning the advisability of annexing property located south of the Southern Pacific Railroad line and west of Columbus Street; and

WHEREAS, the hearing was duly held on the 8th day of March 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 be annexed and zoned as R-1(5) Single Family Residential.

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: property located south of the Southern Pacific Railroad line and west of Columbus Street and the said property be zoned as R-1(5) Single Family Residential.

(see attached legal description)

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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.

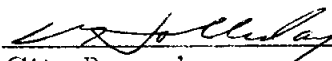
Passed by the Council: April 12, 1978

Approved by the Mayor: April 12, 1978

Effective Date: April 12, 1978

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

## FINDINGS OF FACT

1. The request is in full compliance with LCDC goals and guidelines.

(a) Citizen Involvement

Citizen involvement is addressed through the public hearing forum involving Comprehensive Plan changes and Annexation and Zoning requests. In addition, Citizen participation will occur during subsequent phases of the approval process.

(b) Land Use Planning

This goal is fulfilled through the public forum procedure before the City of Albany Planning Commission in its consideration for the City as a whole and the needs of its residents.

(c) Agricultural lands

Soils on the subject property are Class I through IV. However, we feel that inasmuch as the City of Albany and Linn County have come to a relatively firm agreement on an Urban Growth Boundary some two-thirds of a mile to the South of the Southern boundary of the site, that in doing so, the jurisdictions are implying an urban future for this land rather than a farmland future.

In addition to this consideration a review of soils surrounding the City reveals that there are virtually no areas which are not Class I through IV. This would indicate, in this case, that the issue of agricultural value of lands outside the City is minimal. Therefore, we conclude that the land should not be considered as resource farmland but should instead be allowed to develop at its best capacity.

(d) Forest Lands

Not applicable.

(e) Open Spaces, Scenic and Historic Areas, and Natural Resources

The total area of the proposed project is open pastureland at this time, as is much of the land in the vicinity. However, though we would be reducing the potential for open space, the impact on the other goals is so great that we must make this sacrifice in order to accommodate the greater goal of serving the people of Albany with affordable, and adequate housing. In addition, the BPA easement will add a great deal of open space to help compensate for adverse impact on this goal. The proposed project would not affect any natural resources or historic areas. The most scenic aspect of the area is the large stand of trees running along Oak Creek. While these trees are not part of the site, we feel that they should be preserved for open space in its natural state as a corridor for recreation, bikeways and pedestrian paths.

(f) Air, Water, and Land Resources Quality

The project area is adjacent to South Columbus Street which has a 30-inch sewer main collector programmed to accommodate development to the South of the City. Water is readily available in the area. Storm water run-off can be adequately accommodated by the Oak Creek drainageway.

(g) Areas subject to Natural Disasters and Hazards

Not applicable.

(h) Recreational Needs

As required in the Albany Zoning and Land Use Regulations recreational needs will be more than adequately provided for as lot sizes planned are well over 4,000 square feet. In addition, there are approximately 2.7 acres of easement for utilities across the Northern section which will be used for recreational purposes such as tennis courts and playgrounds.

(i) Economy of the State

It would be difficult to demonstrate the impact of a project of this size on the States' economy. However, the economy of the Albany area

would certainly be diversified and improved to an extent. The impact on mobile home builders and distributors would be significant and would be a diversifying economic influence inasmuch as most homes being built are in the form of single family or apartment dwellings. Furthermore, quality development projects, which allow more people to be able to afford their own homes rather than renting, has a stabilizing effect which increases confidence throughout the economy.

(j) Housing

This goal will be fulfilled to the utmost by the proposed project. A quality mobile home park in this area will provide a decent and acceptable dwelling environment within an affordable price range for the middle income residents of Albany. It will offer an alternative to families who want to own their own home but who cannot afford the increasingly inaccessible site-built house. Market analysts are finding that more and more people consider mobile homes a desirable form of dwelling, and it is our intention to meet this demand with a tastefully designed mobile home park incorporating development standards to maintain a very livable atmosphere. The project will provide the flexibility in location, type and density in housing options, which is so much needed at this time.

(k) Public Facilities and Services

Public facilities and services will be provided by the City of Albany or the appropriate private agency. The developer is willing to cooperate fully with the City in providing the project area with suitable and amenable facilities and services. Furthermore, by developing this site adjacent to the present City limits facilities termini, a more efficient extension of services and facilities is achieved.

(l) Transportation

The proposed annexation has access to a major arterial and is within walking distance of a recently designated commercial area. An efficient and safe street system is proposed within the project which will provide convenient access to Columbus Street. The smaller lot sizes will mean less distance traveled for more people into the City with the consequent reduction of pollution and gasoline consumption. The developer would recommend linking the current proposed bikeway to the East down along Columbus Street and then along Oak Creek, which is more scenic than any other route, and would minimize security considerations for homes in the entire area. Pedestrian paths linking open spaces and recreation areas are proposed.

(m) Energy Conservation

Energy will be conserved in two major ways through this proposal. The location of higher density along a high capacity transportation corridor

is energy efficient (guideline No. 4). In addition the energy efficiency of mobile home construction as opposed to construction of site-built homes is significant. This is seen most readily in a comparison of cost to the buyer of comparable mobile home and site-built units. The logistics for services, facilities, and alternative transportation modes also leads to energy conservation in numerous smaller ways with the more compact living environment associated with mobile home parks.

(n) Urbanization

The City of Albany and Linn County have agreed on a reasonable and logical growth boundary two-thirds of a mile from the Southern boundary of the site. In this separation of urbanizable land from rural land, a clear statement of intent is made as to the future of lands in this area. Use of this area for the requested purposes represents the maximum efficiency of land use within the LCDC guidelines for urbanization when evaluated with relation to growth of the City, carrying capacity of the land, housing preferences in today's market, and open space requirements.

2. The request is in the public interest.

- (a) This request for annexation to accommodate the proposed development of the subject property to City residential standards will conform to existing trends in land development. With the increasing cost of new home construction, the mobile home has drawn increasing demand as a way of providing housing for many potential home buyers in the area. A survey of mobile home parks in the Albany area in January, 1978, revealed that there were only seven vacancies out of a total 489 spaces in mobile home parks. All of the vacancies were found in the new Edgewood Estates Mobile Park, which is still under construction, and vacancies in this park are expected to be filled soon after completion. Vacancy rates in mobile home parks in Albany, as well as other communities, are consistently lower than for communities as a whole and show that there is a high public demand for this form of housing.
- (b) The density will be consistent with land development in the contiguous City area.
- (c) This project fulfills the public need for healthy, aesthetic, and safe surroundings in which to reside.
- (d) The project will accommodate growth factors in the Albany area. The last Portland State University census indicated a 4.4% increase in population for the City of Albany for fiscal year 1976-1977. This is compared to an average annual growth rate of approximately 3% in recent years. Annexation and development of land contiguous to the City is imperative to prevent skyrocketing land costs within the City as growth continues.

3. The intended use is the best use of the property.

In evaluating possible uses of the subject property several situations should be considered. Use of land within an Urban Growth Boundary should be at the maximum intensity possible subject to market demands. Sites of comparable size within current City limits would either be financially infeasible for development such as this, or would be inappropriate for the surrounding area. Areas on the fringe of the City are, therefore, most suitable for medium--low density development. While some other sites may present equally good potential as residential areas for the City, none would be better than the proposed site in its proximity to a future commercial area, vehicular access to the City, and the open space and greenway area along Oak Creek. Lands along the South end of the City also have the advantage of being physically and visually buffered by Oak Creek from long term agriculture activities to the South. There is, in addition, nearly a mile separation between the property and Interstate 5.

Soils on the site are suitable for farmland, are not in a flood plain, and would therefore sustain, at the least, moderately intense development. The fact that the subject property lies well within the Urban Growth Boundary, is a clear statement of intent on the part of the involved jurisdictions that the land is urbanizable rather than rural and will allow for development at the proposed density. Taking all the factors of location, relation to transportation and commercial areas, relation to the Urban Growth Boundary, and market analysis in the area together with the thought that developing areas within the Urban Growth Boundary as intensely as possible saves resource land and takes pressure off of the limited available space, we find that the proposed use would be the best use of the property.

4. The Public Interest would best be served by annexation at this time.

- (a) Recent figures of the median income for the City of Albany are around \$13,125.00 per year. According to Douglas Stevie, Senior Planner for the State Housing Division, the prospective home buyer state-wide in 1976 needed a minimum annual income of \$25,900.00 in order to afford a new home. The cost of buying property and building a home at that time was estimated at \$40,847.00 requiring a monthly payment of \$498.00. Since then, of course, prices have risen, and the fact that it is getting more and more difficult to acquire a home is well publicized. Albany's housing costs are close to state-wide averages.
- (b) In contrast to the above figures, a standard mobile home costs between \$15,000.00 and \$19,000.00. Efficiencies in construction at the factory allow mobile and modular homes to come within reach of middle income families. With conventional housing costs rapidly outstripping the ability to purchase, Albany needs to provide its residents with satisfactory housing alternatives. As seen above, the economic difficulties involved in developing existing City lands in this manner point out the need for annexation of more reasonably priced land at this time.

LEGAL DESCRIPTION

For E.O. No. 11115  
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Beginning at a point on the westerly right-of-way line of South Columbus Street, said point being 2401.83 feet North 00°20' East along the claim line and 30.00 feet South 89°42' West from the southwest corner of the Jordan S. Robinson Donation Land Claim No. 55 in township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence North 00°20' East along said right-of-way line 50.00 feet; thence South 89°42' West 130.00 feet to a 1/2" iron rod; thence North 00°20' East 120.00 feet to a 1/2" iron rod; thence North 89°42' East 130.00 feet to said westerly right-of-way line; thence North 00°20' East along said right-of-way line 25.00 feet; thence south 89°42' West 927.00 feet; thence North 00°20' East 1313.16 feet to the southerly right-of-way line of the Southern Pacific Railroad; thence North 65°28'25" West along said railroad right-of-way line 886.42 feet; thence South 00°26'30" West (deed, South) 2352.64 feet; thence South 89°29'30" East (deed, East) 813.12 feet; thence North 00°20' East 373.27 feet; thence North 89°42' East 797.00 feet; thence North 00°20' East 110.43 feet; thence North 89°42' East 130.00 feet to the point of beginning.