

ORDINANCE NO. 4231

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF .4 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF QUEEN AVENUE WEST OF RIVERSIDE DRIVE AS R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL 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. 4221 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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-2.

This ordinance subject to two restrictions: (1) Development of this property shall be subject to site plan approval in accordance with Article 17 of the Zoning and Land Use Regulations; and (2) Prior to Council public hearing, the applicant shall submit a boundary description and map stamped by a registered engineer or surveyor in accordance with requirements of the Secretary of State's Office and the Department of Revenue. Ordinance No. 4231

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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. 4221, 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.

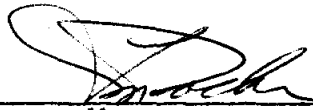
Section 4: Emergency Clause

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:



Deputy City Recorder

Staff Report

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

PUBLIC HEARING - ANNEXATION REQUEST

John Bachmeier (Journal No. A-14-78)

Located: North side of Queen Avenue west of Riverside Drive (Assessor's Parcel Map 11-4W-13B, Tax Lot 300)

Area: 0.4 acres

Number of existing units: 1

School Districts: Nos. 5 and 8J

Requested Zoning: R-2 Limited Multiple Family

Attorney: Robert Scott

This consent annexation and zoning request involves property less than one half acre in size located on the north side of Queen Avenue (shown on some maps as Riverside Drive) west of Broadway Street near Hazelwood Park. The property contains an older single family residence (circa 1900 - potential primary historic structure) which in the past has been divided into several apartment units. The property is bounded to the north and west by a PP & L power substation, to the east by R-3 Multiple Family zoning and the Hazelwood Apartments and to the south by Urban Residential zoning (Linn County). The petitioner has indicated that the requested R-2 Limited Multiple Family Residential zoning would be the most appropriate use of the land and would allow construction of six multiple family residential units.

The Planning staff and other city departments reviewed this request and listed the following findings for the Planning Commission's consideration:

- (1) The request complies with the Comprehensive Plan and LCDC Goal requirements. Public need has also been addressed by the applicant.
- (2) Sanitary sewer service is not immediately available to the property and would have to be extended from the north. Water service would also have to be extended to the property from the east.
- (3) The only storm drainage available to the property is the open ditch along Queen Avenue.
- (4) Some consideration should be given to the potential historic quality of the existing home and its adaptive re-use.

If the Planning Commission recommends approval of this request, the following conditions should be considered:

- (1) Development of this property shall be subject to site plan approval in accordance with Article 17 of the Zoning and Land Use Regulations.
- (2) Prior to the City Council Public Hearing on this matter, the applicant shall submit a boundary description and map stamped by a registered engineer or surveyor in accordance with requirements of the Secretary of State's Office and the Department of Revenue.

At their November 20th meeting, the Commission recommended to the City Council that annexation and R-2 zoning be granted based upon the staff findings and the attached proponents findings.

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FINDINGS OF FACT IN
SUPPORT OF ANNEXATION PETITION

A. COMPLIANCE WITH THE COMPREHENSIVE PLAN:

The subject property is designated as Urban Residential on the City of Albany Comprehensive Plan. Property adjoining the subject property has been zoned R-3 by the City. The proposed R-2 zoning would provide a desirable mixing of densities and would serve as a buffer between the R-3 property to the north and east and the R-1(6) property to the north and west. The R-2 zoning would allow the construction of a six-plex on the property.

The property can be served with city sewer and water systems.

The comprehensive plan provides:

"...Urban Residential includes lands which are now served, or likely to be served by sewer and water systems within this planning period. The plan encourages the development of this area with a variety of modes of living, ranging from single-family houses to high rise apartments depending on the physical and architectural characteristics of each site."

This particular site is not large enough for high rise apartments nor is it suited for single family residential because of its location adjacent to a major arterial. Moderate density multiple family zoning conforms in all respects to the comprehensive plan.

B. PUBLIC NEED FOR THE REQUESTED ANNEXATION AND ZONING:

The City has had problems in the past with so-called "islands" of property which have not been annexed yet are virtually surrounded by property which has been brought into the City. Realistically this

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this property is a part of one of those islands, surrounded on three sides by the City and on the fourth by Riverside Drive. A logical step in the urbanizing project is to annex the subject property.

The City has a substantial amount of R-2 property available for development, however, very little of that R-2 property is in West Albany. Zoning maps F and K reveal no R-2 property within several blocks of the subject property. The comprehensive plan text recognizes the need for all types of residential development throughout the City. The zoning map reveals that the need for medium density multiple family housing has not been satisfied in West Albany.

C. THE PARTICULAR PROPERTY BEST MEETS THE PUBLIC NEED

The subject property can provide medium density housing within the West Albany area at a location which may not be offensive to residents of West Albany. The property is adjacent to high density property on the Northeast. The less intense use would set a desirable precedent for zoning of the remaining 1.73 acres to the Northeast and West of the subject property. The low density multiple family housing would act as a buffer between the high density multiple family to the southeast and the single family property to the northwest. The location of the property adjacent to Riverside Drive, a major arterial, makes it unsuitable for single family residential development.

D. COMPLIANCE WITH APPLICABLE LCDC GOALS AND GUIDELINES

1. Citizen Involvement. Citizen involvement is insured through the state statutes and the Albany zoning ordinance which requires public

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hearings in annexation and zoning procedures. Both the Comprehensive Plan and the zoning ordinance were adopted by the City after many public hearings with substantial citizen input.

2. Land Use Planning. The City's Comprehensive Plan designates the area as Urban Residential. The request for Limited Multiple Family zoning complies with the Comprehensive Plan as indicated in paragraph A above. This request for annexation and R-2 zoning is in full compliance with procedures established by statute and City ordinance.

3. Agricultural Lands - Not Applicable

4. Forest Lands - Not Applicable

5. Open Spaces, Scenic and Historic Areas and Natural Resources - Not Applicable

6. Air, Water and Land Resources Quality. The proposed annexation and R-2 zoning will have no adverse effect on air or water resources. The property is served by City sewer. The multiple dwellings which are proposed is an acceptable use of land which is poorly located for single family residences and which is not large enough for commercial or industrial use.

7. Areas Subject To Natural Disasters and Hazards - Not Applicable

8. Recreational Needs. The area is not included in any plans the City has for recreational property. The size of the parcel mandates against its use for recreational purposes.

9. Economy of the State. Except for the beneficial effect of

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the construction of the units would have on the land building industry, the proposed development would have no significant effect on the economy of the State.

10. Housing. The construction of a six unit housing complex on the property will help satisfy the housing needs of the area.

11. Public Facilities and Services. The property is in close proximity to and can readily be hooked up to public sewer and water services. The effect on Liberty Grade School, Takena Grade School, Memorial Junior High and West Albany High School would be negligible compared to other types of development.

12. Transportation. The property is adjacent to Riverside Drive which is a major arterial and is capable of handling the traffic generated by the proposed development.

13. Energy Conservation. By permitting limited multiple family construction energy saving devices can more readily be used than in the standard single family construction. Higher densities are preferred as an energy saving device.

14. Urbanization. The property is within the urban growth boundary and is in reality an island bordered on three sides by already annexed property. Annexation is a logical extension of the City's boundaries.

15. Willamette River Greenway - Not Applicable

16. Estuarine Resources - Not Applicable

17. Coastal Shoreline - Not Applicable

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18. Beaches and Dunes - Not Applicable

19. Ocean Resources - Not Applicable

DEED DESCRIPTION:

Beginning at a point in the center line of the State Secondary Highway which is South $51^{\circ}15'$ West 970.02 feet from a point North $1^{\circ}30'$ West 48.84 feet from the Southwest corner of the D.L.C. of the Walter Monteith Not. No. 1798 and Claim No. 55 in T 11 S, R 4 W of the Willamette Meridian, said point being the Southeast corner of Tract #1 conveyed to the Pacific Power and Light Co. by Deed recorded December 26, 1956, in Book 252, Page 284 Deed Records; thence North $34^{\circ}43'$ West 165 feet to a pipe; thence North $51^{\circ}15'$ E. 116.372 feet to the Northeasterly line of that tract conveyed to Fred Shelton and Mae Shelton by deed recorded May 11, 1946, in Book 179, Page 521, Deed Records; thence South $34^{\circ}43'$ East 165 feet along the Northeasterly line of said Shelton tract to the center line of said highway; thence South $51^{\circ}15'$ West 116.372 feet to the point of beginning.

City of Albany
Engineering Dep't.
'Bachmeier' Annexation
January 1979

SW Cor Walter Monteith
DLC 55

REGISTERED
PROFESSIONAL
LAND SURVEYOR

J. Wayne Hickey

ORIGON
T. WAYNE HICKEY
1215 SW Cor
Hickory Blvd Add

120B

31° W 1424.67 FT
SW Cor DLC 55

5.74 ch

00

5-1

N 89° 12' 12" E 336.69'

QUEEN AVE

STREET

BROADWAY

ANNEXATION
BOUNDARY

1700

1600

1300

1100

4100

4002

4001

4003

4004

3102

3 WIDE STRIP

3400

3501

3600

3700

3800

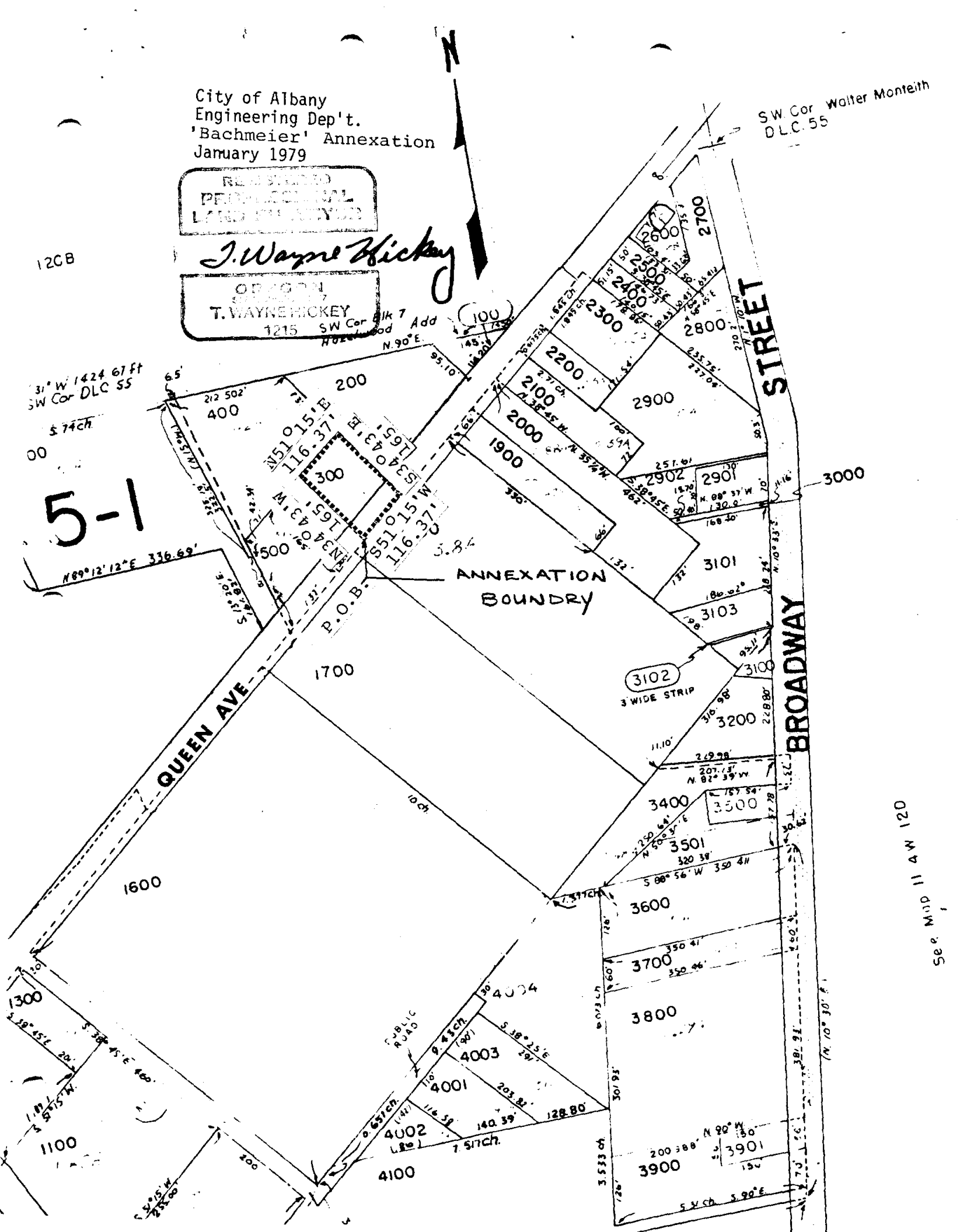
3900

3500

3901

3000

See Map 11 4 W 120



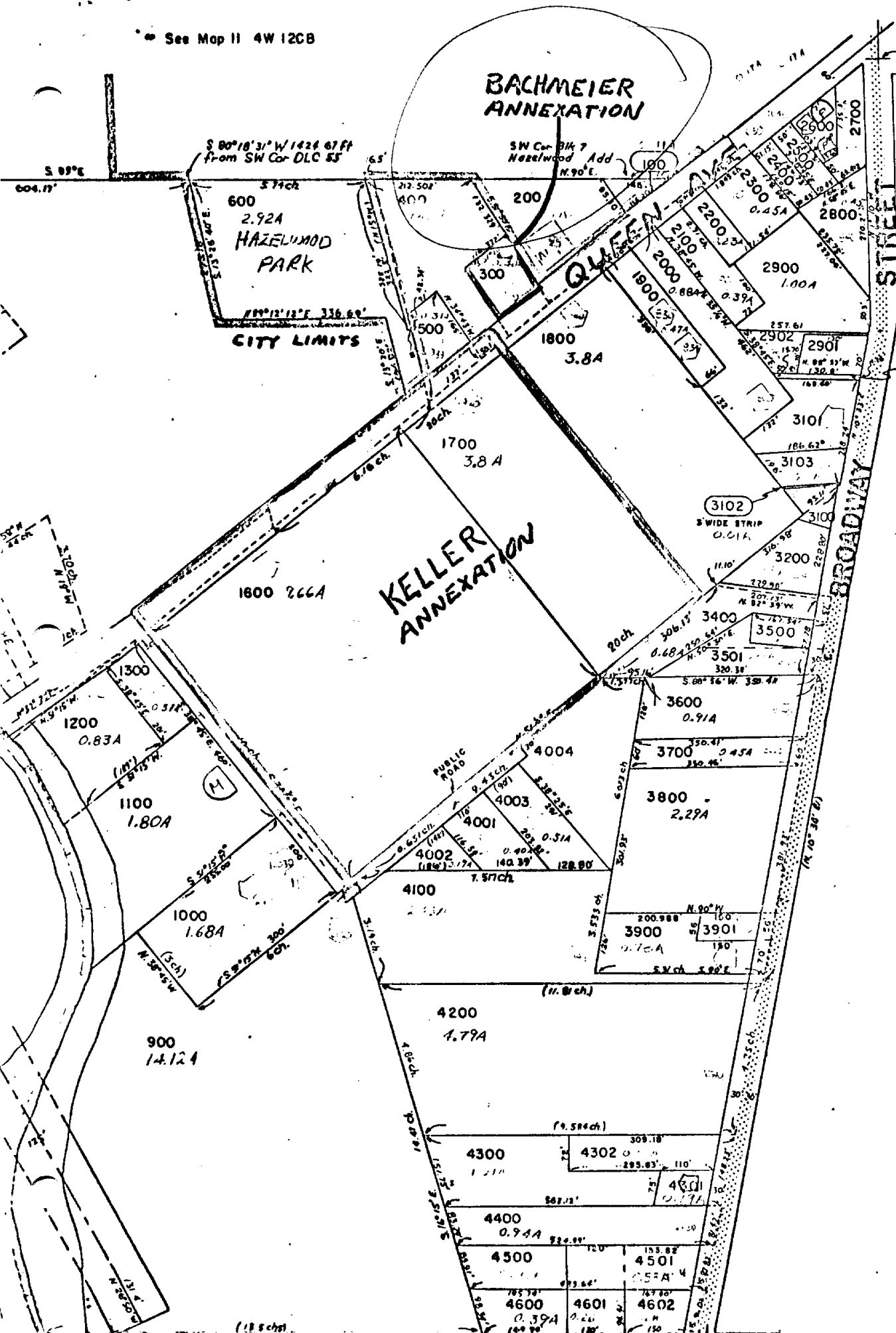
Baldwin
association

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See Map II 4W 12CB

SW Cor. Walter Monteit
D.L.C. 55



See Map II 4W 12D

SE Cor. G. Cline
DLC 84
ALBANY