

ORDINANCE NO. 4292

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TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 19.58 ACRES OF PROPERTY LOCATED SOUTH OF THE SOUTHERN PACIFIC RAILROAD TRACKS, WEST OF COLUMBUS STREET AS R-1(5) SINGLE FAMILY RESIDENTIAL AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT

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. 4286 adopted on the 23rd day of May, 1979, 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 June, 1979, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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, therefore,

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

Section 1: The following described property to-wit:

11-3W-20, Tax Lots 800 and 900

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

is hereby proclaimed to be, annexed to the City of Albany, Oregon, and is hereby zoned as R-1(5) Single Family Residential.

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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. 4286, 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: Conditions

The following conditions shall be met before this ordinance shall take effect:

1. A petition for all public improvements (streets, sewers, etc.) and a waiver of remonstrance shall be signed.

Passed by the Council: June 27, 1979
 Approved by the Mayor: June 27, 1979
 Effective Date: July 27, 1979

Richard S. Allen
 Mayor

ATTEST:

[Signature]
 City Recorder

ORRIS A. CARNEGIE
County Surveyor

OFFICE OF SURVEYOR
LINN COUNTY, ALBANY, OREGON

Phone 967-3857

*Friday Campbell
& Associates*

*Rec'd
4-23-79*

April 17, 1979

With C. S. 13695

Elliott & Price

Proposed Annexation

Beginning at a 5/8" iron rod S.0°20'W. 65.78 feet from the Southeast corner of Parcel "E" as shown on the plat of Pine Way Addition in Section 20 of T. 11 S., R. 3 W. of the Will. Mer., Linn County, Oregon, said 5/8" iron rod being the intersection of the West right of way line of Linn County Market Road No. 11 with the Southerly right of way line of the Southern Pacific Railroad; and running thence N.65°28'25"W., along said railroad right of way line, 1016.20 feet to a 5/8" iron rod; thence S.0°20'W. 1131.16 feet; thence N.89°42'E. 987.0 feet to the East right of way line of said Market Road No. 11; thence N.0°20'E., along said East right of way line, 677.50 feet to the Southerly right of way line of said Southern Pacific Railroad; thence N.65°28'25"W. 65.78 feet to the point of beginning, and containing 20.49 acres, more or less.

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Staff Report

Hearing Date: May 7, 1979 P.C.
June 27, 1979 C.C.

Comprehensive Plan Amendment, Annexation/Zoning - Thomas Campbell (A-5-79)

Requests annexation and R-1(5) zoning for 1.958 acres south of the Southern Pacific Railroad tracks, west of Columbus Street; requests comprehensive plan amendment changing rural/agricultural designation to urban residential.

Findings:

1. The property proposed for annexation, R-1(5) zoning and comprehensive plan amendment is within the preliminary Urban Growth Boundary at the southern limit of the urbanized area of the City. It is currently vacant except for one single family dwelling unit and is surrounded by the railroad tracks to the north, Columbus Street to the east, an extension of the city limits on the south, and a mobile home to the west. It is currently surrounded on three sides by the city limits, although only bordered directly by the City on two sides.

Annexation of this property would leave on its southern border a 182' x 957' strip of unincorporated territory between it and the area within the City directly to the south.

2. The City has assessments outstanding against this property for fees that were paid and will be reimbursed to the adjacent developer who paid them for the following projects:

Pineway Storm Drain improvements
Columbus Sanitary Sewer improvements

3. The applicant's findings, intended to justify the comprehensive plan amendment, annexation and R-1(5) zoning are attached.

Conditions:

1. A petition for all public improvements (streets, sewers, etc.) and a waiver of remonstrance shall be signed before this annexation becomes effective.

*At the May 7th meeting, the Commission moved to recommend to the City Council that the Comprehensive Plan be amended from rural/agricultural designation to urban residential based on the findings as submitted by the applicant and further based on the staff report findings submitted herein. The Commission further recommended that the annexation and R-1(5) zoning be approved based upon the findings as submitted by the applicant and as further supplemented by the staff findings submitted herein.

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Robert Price

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Statements and Information to Accompany
Comprehensive Plan/Zone Change Application

2b(1) This request is for property to be annexed to the city with R-1(5) zoning in order that a portion of the total properties might be subdivided to a single family residential density. In the South Albany area, there is only one area of land zoned R-1(5) and that is the "Conser property" to the immediate west and somewhat south of these properties. This property is currently vacant (the greater majority of it), but is to be developed as a mobile home park or subdivision. As such, the requested zoning of these properties (TLs 800 & 900) will conform with that of adjacent land which is to be developed in basically the same manner, and within roughly the same period of time. Other properties in South Albany are zoned from R-1(6) to R-1(10) and are already developed to a great degree. What vacant land that is available is often not of sufficient size to make subdivision economically feasible under the current zoning, nor is much land actually available from the current owners for either sale or development. Thus, while land does exist in the South Albany area, the lack of availability of any land zoned R-1(5) causes a problem in the full range of supply to the total housing market.

The current vacancy rates and market demand for newer single family dwellings are such that most dwellings in the South Albany area do not appear to remain on the market for any extended length of time, and a vacant dwelling is found only infrequently. According to a recent housing study, the combination of the increasing population and the percentage of single family dwellings in the housing mix have resulted in a very low vacancy rate of 1.6%. Consequently, the market appears to be somewhat tight, values are escalated, the range of choices has become more limited, and the availability of mortgage loans at what may be termed "affordable rates" is not great. Therefore, the annexation of these properties and the zoning to the requested R-1(5) will help to combat these problems.

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2b(2) The area of these properties has already seen a dramatic growth of residential land use in recent years, perhaps more so than any other portion of the greater Albany area. The pressures to annex and/or develop land in the South Albany area continue due to the low vacancy rate, higher market demand, paucity of available developable land in South Albany in general, and the character of the South Albany area with regard to its residential nature. It would appear, based on development and sales to date, that the entire area to the south of 34th Avenue is one of great popularity with both younger families seeking housing in the "starter" and "improving status" categories, and the middle-age families with growing children who are seeking the more modern and higher cost home. This situation may not be the case so much in either the West or North Albany areas, meaning that the pressures for growth and development area greater in this South Albany area. In the North Albany area lots tend to be larger and more rural, while in West Albany the lots are small and the dwellings and neighborhood are older. Only in the South Albany area are we able to find a homogenous situation of roughly uniformly sized lots and newer dwellings and neighborhoods. As such, where there is the choice of the three general areas in which to purchase housing, and many people are making the choice of South Albany, housing must be made available in order to comply with LCDC Goal #10 which calls for the range of housing supply in styles, prices and other characteristics.

While there may have been some question in the past as to the advisability of annexing land to the south side of the railroad line (which could have been considered a logical break in or barrier to further annexations and development), the previous action by the city to annex the "Conser property" has established precedent and negates this argument about crossing the tracks. Considering the growth of Albany in the recent past, and the projected growth for the future, the South Albany area may very well be the only area where urban sized developments can be developed without any significant costs to either the city, the developer or the consumer for the development itself.

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2b(3) Because of the establishment of the Albany Urban Growth Boundary (UGB) which delineates urbanizable from rural lands, it would seem that certain designations on the Albany Comprehensive Plan Map of October, 1977 which designates these properties as "Agricultural and Rural" does not recognize the potential for growth in the area to the south of the railroad tracks. As the applicant properties are within the UGB, the recognition of that potential, in compliance with Goal 14, perhaps should have been stated on the recent version of the Plan Map. The Plan Policies and Goal Statements, however, state that the area of "Urban Residential" use should include ". . . lands which are now served, or likely to be served by sewer and water systems . . .". Therefore, the Plan Map is not in general agreement with the Policies and Goal Statements, and should be changed to comply with the more correct Policies and Goal Statements. As a result of the annexation of the "Conser property" and the extension of sewer and water systems to the south of the railroad tracks, these applicant properties have greater possibilities as "Urban Residential" than as "Agricultural and Rural".

2b(4) LCDC Goals and Guidelines

1. The Neighborhood Advisory Group review of the area, plus Planning Commission and City Council public hearings on this request fulfill this goal.
2. Use of the City of Albany Comprehensive Plan and the Zoning Ordinance & Land Use Regulations in the total process, plus the entire application and public hearing process adequately reflect compliance.
3. Because this land is within the UGB (Urban Growth Boundary), this goal is, by exception spelled out in Goal 2, relegated to secondary importance such that the consideration of soils class and agricultural use are not mandatory.
4. Does not apply.

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5. Although the properties are to be subdivided and developed for residential use, not all of the total properties are to be used. What area is not developed will remain unused and in open space.
6. Due to connection to the city's sanitary sewer and storm drainage systems, the use of the properties for residential subdivision will have little, if any affect on the air, water and land resources quality of the area. Perhaps the greatest potential for harm to the resource quality is for pollution of the air through vehicular traffic and home heating systems generated by dwellings and residents in the area, but the scale of this possibility is quite small and relatively insignificant.
7. The area is not within any recognized flood hazard zone, and other disaster and hazard conditions do not apply at this time.
8. This property is very near to one of the major recreation areas in the South Albany area, but should not adversely affect the levels of use of this recreational area.
9. The construction of this subdivision will contribute to the short run economy of the local area, by employment as well as material supply, and will help to fight any projected slump in the construction industry and the economy in general. In addition, the additional area of residential use will add to the local and state tax roles, thus contributing to the economy of the state as well as the county and the city.
10. Although this subdivision is not overly large, only about 74 lots (\pm), it will, nevertheless, contribute to the general housing inventory in the Albany area. With a vacancy rate of 1.6% for single family dwellings and 3.8% for multiple family units, and with a decreasing household size and an increasing number of total households, the choice in the marketplace can be somewhat limited. This proposal should contribute to the fulfillment

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of the various aspects of the housing goal, including housing location, type density and range of price in the overall inventory.

11. Sanitary sewer and storm drainage systems already serve this area and are of adequate size to accommodate any new subdivision of residential development of this size. For schools, the total subdivision at maximum R-1(5) development (5,000 sq. ft. lots only) would add only 38.10 children to the school system in all grades (1-12). However, with a more optimum development using a range of lot sizes, the number of children added to the school system in all grades is more likely to be about 34 or 35. Police and fire protection levels would remain the same, which are currently adequate for the area. Water and electrical power are already available, as are natural gas, solid waste collection, local and regional newspapers and telephone service. Levels of planning, zoning and subdivision control and community governmental services would probably increase by annexation into this city, while health services, recreation facilities and services, energy and communication services and other local facilities and services would remain at about the same levels.
12. The proposed street system in this subdivision will integrate with the existing routes and patterns, and thus, will be available and accessible for any and all modes of ground transportation. With regard to the additional traffic generated by this development, the total amount of traffic at any given time will not be of such a level as to adversely affect any of the existing patterns or place any additional burdens on the street network. Existing streets such as Columbus and 34th Avenue are of such design that they are able to accommodate additional amounts of traffic in excess of what this development will generate. Air, water, pipeline, rail and pedestrian traffic will not be affected by this development. Those modes which will be most likely affected (mass transit, highway and bicycle) will not be affected to the extent that a

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major change will be required in either the physical facilities or the local, regional or state transportation policies.

13. Because of the density of land uses, lot sizes and dimensions, compatibility with other adjacent areas of similar land use types, and the availability of natural amenities, this proposed zoning and development should be energy conscious. While there will be more dwelling units using energy of the various forms, this is a more intensive development of land, which is more energy efficient than having the same number of units on rural residential properties away from the urban area. This is also the "recycling" of vacant land, which is in compliance with this overall goal.
14. The properties are within the UGB (Urban Growth Boundary) and will provide needed urban land to accommodate future growth projections. This proposal will provide for housing, employment opportunities and livability in the area, and will be an efficient conversion of land in the fringe area, maximizing the land's economic potential.
15. Does not apply.
16. Does not apply.
17. Does not apply.
18. Does not apply.
19. Does not apply.

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Supplementary and Additional Information

According to the Albany Housing Study by CH2M Hill, the population of Albany is growing rather rapidly, with a projected growth rate of 5 to 6 percent to continue through 1990. The total number of households will nearly double in that time period, while the average household size will decrease from 2.74 persons to 2.54 persons, or a reduction of 7.3%. When considering such factors as general population growth, an increasing number of households and the replacement of existing units, there will be a projected need for 8,310 housing units between 1978 and 1990, or approximately 639+ units per year, on the average. Increases will occur in all three categories of single family units, multiple family units and mobile homes, but the greatest demand will continue to occur in the "single family unit" category.

Although not directly included in the CH2M Hill study, information taken from the Housing Market Analysis for Linn County as completed by the Oregon Housing Division (Dept. of Commerce) shows that the greater majority of annual demand for housing will fall into the "\$40,000 to \$50,000" category, with another significant percentage in the "over \$70,000" category. This relates to the cost of housing, whether new or existing, and gives a fairly accurate picture of the market situation not only in Linn County as a whole, but in urban areas such as Albany. As a requirement of LCDC Goal 10, this proposal seeks to provide for a range of housing costs, mostly by providing housing in this category of greater demand of "\$40,000 to \$50,000". According to the CH2M Hill study, new housing costs in Albany run an amazing 70% in the "\$46,000 to \$65,000" category and 10% in the "\$45,000 or under" category. While the actual price range for the former category is quite large (perhaps too large to be significantly useful), it may be an indication of where housing costs are running at the present time. Although it is difficult to reduce the costs of labor and materials, the cost of land can be reduced by allowing, and recognizing the actual need for smaller sized urban lots. Rather than consistently standing by a 6,000 sq. ft. minimum lot size, the price of any new home might be reduced by as much as \$2,000 if the lot were to be only 5,000 sq. feet. The reduced size of dwellings (caused by the reduced size of households) will also tend to hold down the overall housing costs, and will, by proportional figuring, require a lesser lot size.

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It is, then, the idea of this proposal to provide for a somewhat greater flexibility in the housing market, and thus, a range of housing prices for single family units, by annexing these properties to the city and developing a residential subdivision on a portion of the properties which will offer a range of housing styles and costs. Perhaps not all lots will be as little as the 5,000 sq. ft. minimum lot size requested in the R-1(5) zoning, but the option will be there to the developer to construct smaller dwellings on smaller lots where and when the demand dictates. It would appear that the proposal is borne out by the statistics in the CH2M Hill study, and that this proposal would be perhaps the best and most practical way of attempting to reach some sort of compliance with LCDC Goal 10, while not adversely affecting any of the other 18 LCDC Goals.

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Amendment to Application

Addressing of LCDC Goal #3

According to the Soil Conservation Service, the soils on these properties are a combination of Amity silt loam (SCS No. 200A), Concord silt loam (SCS No. 210A) and Dayton silt loam (SCS No. 220A). The Amity makes up approximately 25% of the area, mostly on the southeast corner with a small portion on the northeast corner of the properties. The Concord comprises the greater majority of the soils, about 50%, running through the middle of the properties in a northeast-southwest orientation. The Dayton soil makes up about 25% and is mostly on the northwest part of the land, running in a northeast-southwest orientation. The Amity is classed as a IIw (wet) soil, while the Concord is a IIIw (wet) and the Dayton is a IVw (wet) soil. According to the SCS information sheets (OR-Soils-1), all three soils are clay based, slow in runoff, highly impermeable, and generally poorly drained.

While the Amity may be important for vegetable crops, small grains, grass seed, hay and pasture, the Concord is suited for grass seed, cereal grain and pasture, and the Dayton is usable for ryegrass seed and pasture, the areal extent of any of these soils individually is not enough to allow any significant production of anything but grasses. Pasturing is the only other feasible agricultural use. The land has been used for seasonal pasture in recent years, mainly because that is the only economically feasible thing to do with the land. Due to the size of the individual properties, or even of the properties when taken together, there has been no attempt to farm the land for profit in grasses simply because the market prices and demand work against the small producer. This land would not be able to produce enough product to make it a viable operation where one could expect any type of economic return on the investment of time, money and materials required to produce any type of crop. With regard to pasturing, the overall size works against any plan for intensive, profitable parturing. As such, the land has been used only for seasonal pasture for the owners and renters.

A brief discussion with an independent soil scientist reveals that, although these soils are Classes II, III and IV, the deficiencies in the depth of the soils, clay content, runoff, permeability and drainage make these soils appear to be more practically of Classes IV and VI. This would seem to be somewhat more accurate in terms of the agricultural usage of the

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land, and the potential future use in its current state of ownership, surrounding land uses, development potential of the area in general, and the on-going agricultural situation on small parcels in the urban areas.

The "Columbus Cul-de-sac" Situation

Although there may be plans to create a cul-de-sac on Columbus Street just north of the railroad line when Waverly Street is extended through the Deerfield Subdivision, the preliminary plat is based on the existing situation on Columbus Street. When, and if Waverly is extended to the southwest across the railroad line to intersect with Columbus somewhere to the south of the proposed subdivision, it should be no problem to reroute the traffic southward on Columbus to the intersection of Columbus and Waverly where the traffic may turn northward on Waverly. If the "Conser property" will be developed in the future with the same traffic flow and volume considerations as the applicant property, the final traffic flows and volumes from the combined developments should be accommodated with no significant problems either on Columbus or on Waverly.

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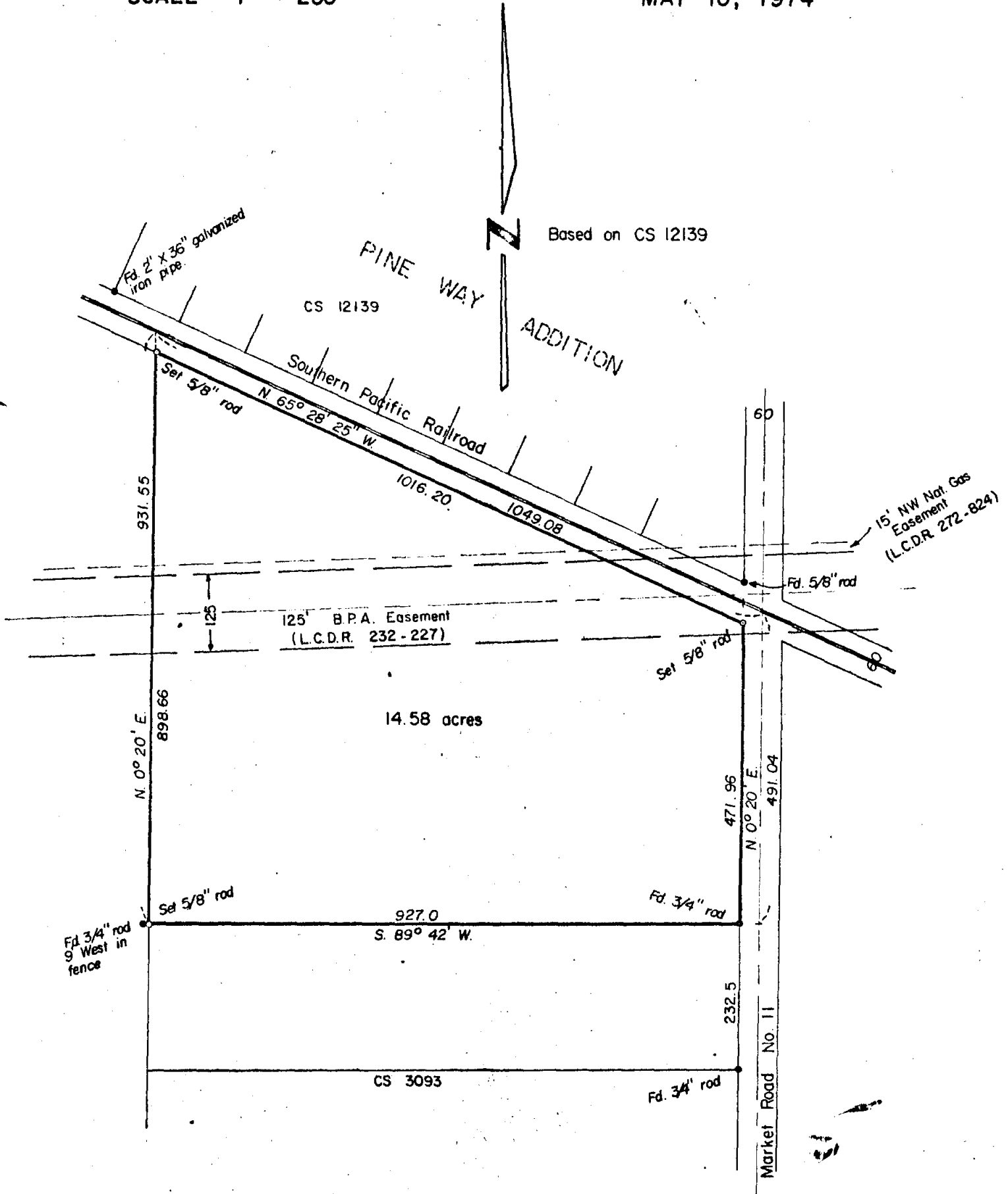
C.S. 13695

S. O. SEIDA

NW 1/4 SECTION 20, T.11 S., R.3 W., W. M.
Linn County, Oregon

SCALE: 1" = 200'

MAY 10, 1974



Printed & Filed 6-14-74

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kenneth M. Wightman

OREGON
JULY 17, 1970
KENNETH M. WIGHTMAN II
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TIMBERLAND SERVICES, INC.
P.O. Box 658 - Albany, Ore. 97321
Phone: 928-3539