

ORDINANCE NO. 4198

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TITLE: ZONE CHANGE AMENDMENT NO. 147, UNDER ORDINANCE NO. 4067 REZONING PROPERTY CONTAINING 2.24 ACRES LOCATED ALONG THE WEST SIDE OF WILLETTA STREET FROM R-1(8) SINGLE FAMILY RESIDENTIAL TO R-1(5) SINGLE FAMILY RESIDENTIAL.

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by the law and the Ordinances of this city and has made findings concerning the appropriate zone for the property being considered, said findings being based upon evidence produced at hearings, and

WHEREAS, the Council of the City of Albany has duly advertised and caused notices to be given as required by law and has had a public hearing concerning the zoning of the property above described and evidence having been introduced and the same being fully considered, the City Council does hereby find as follows:

See attached findings

and,

WHEREAS, it is further determined that the rezoning hereinafter made should be subject to certain conditions, the said conditions being as follows:

NONE

now, therefore,

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

Section 1: ZONE CHANGE AMENDMENT NO. 147

An area described as follows:

Assessor's Parcel Map 11-4W-13AB (see attached map and legal)  
Tax Lot 6900

is hereby rezoned as R-1(5) and this amendment shall be known as  
zone change amendment number 147 .

Section 2: COPY FILED

A copy of this zone change amendment shall be filed in the office of the City Recorder of the City of Albany and the number noted on the official zoning map of the City of Albany.

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Section 3: CERTIFICATE OF COMPLIANCE

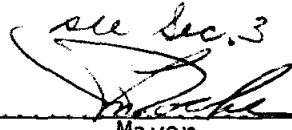
This zone change amendment shall be effective upon filing of a certificate of compliance with the conditions above enumerated by the Planning Director of the City of Albany.

Section 4: This zone change shall be effective only if an application for a conditional use permit be filed and approved by the Albany Planning Commission within six months of the effective date of this ordinance; otherwise, the zoning of this property shall revert back to R-1(8).

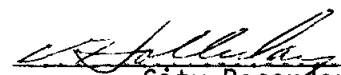
Passed by the Council: October 25, 1978

Approved by the Mayor: October 25, 1978

Effective Date: November 24, 1978

*see sec. 3*  
  
\_\_\_\_\_  
Mayor

ATTEST:

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

FINDINGS OF FACT  
PLANNING COMMISSION

- (1) Under LCDC Goal add "a) The proposed increase in residential density will not adversely affect the enrollment capacities of the elementary, junior high and senior high schools that serve the area."

Experience in other areas of the community indicate that nineteen condominium units will on an average contain fewer residents than twelve single family homes which would be allowed on the subject property as presently zoned.

"b) The streets, storm drainage and sanitary sewer systems in the subject area will not be adversely affected under the proposed change as compared to conventional development of the property" (see attached memo from the Public Works Director prepared in January, 1977, at the last hearing on this property),

- (2) The proposed zoning will provide a buffer or transition area between the professional, commercial, and industrial uses along Pacific Boulevard and the Single Family West Albany Neighborhood.

7. Proposed Use of The Property

The owner previously submitted a Planned Unit Development proposal to locate approximately 30 condominium dwelling units on the property. That proposal was rejected by a 3-3 vote of the city Council. In a spirit of compromise, the owner now proposes to reduce the number of units from 20 to 30 and to increase the size of the individual units from approximately 1000 square feet to approximately 1500 square feet.

10. Evidence in Support of the Proposed Change

A. THE PROPOSED PLAN IS CONSISTENT WITH AND PROMOTES THE OBJECTIVES OF THE COMPREHENSIVE PLAN, GOAL STATEMENTS AND ZONING AND LAND USE REGULATIONS OF THE CITY.

The subject property is designated as Urban Residential on the comprehensive Plan. According to the plan Urban Residential land,

"....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. Modern cluster design and the planned unit development approach are both encouraged."  
EMPHASIS SUPPLIED

The key phrase in the language quoted above is the "variety of modes of living." Without question the West Albany area has the highest concentration of land zoned single-family residential and the lowest concentration of land zoned multiple-family within the city. In reality, at the present time, there does not exist a variety in housing available in West Albany. It is almost exclusively a single family residential area with one house on one lot. One of the approved recommendations of Project 80 was that, "Multiple family dwellings should be dispersed through residential zones." To date there has been little significant dispersal of multiple family development into the West Albany area. The proposed change is consistent with the text and map of the Comprehensive Plan.

B. THERE IS A PUBLIC NEED FOR THE REQUESTED CHANGE.

Life expectancy of the U.S. population continues to increase. Our work force has become more mobile and more people are required to travel in connection with their employment. both of these factors have created a need for housing which does not have the maintenance requirements of the typical one house on one lot situation. The proposed change coupled with site plan review restrictions would fulfill a need for low density multiple family or condominium type development in the area.

C. THE NEED CAN BEST BE SERVED BY GRANTING THE REQUESTED CHANGE

Having established a public need for housing other than single family, it becomes apparent that there is no vacant land in West Albany currently zoned R-2. The approved PUD to the South of the subject property and the development contemplated by this applicant will total only 38 units. Other areas of the City have already become or are endangered of becoming saturated with apartment, duplexes, condominiums and other forms of multiple unit development. Because of the lack of undeveloped property in West Albany, there is no danger of this type of saturation. The subject property is ideally situated for the proposed zone.

Compliance with LCDC Goals And Guidelines

1. Citizen Involvement

Citizen Involvement is insured by the public notice and public hearings requirements of the City Zoning ordinance.

2. Land Use Planning

The proposed request complies with the City of Albany Comprehensive Plan. The request for a zone change has been filed in accordance with the requirements of the zoning ordinance. Both the comprehensive Plan and the Zoning Ordinance were adopted pursuant to state statutes. The Land Use Planning goals and guidelines have been complied with.

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

City Sewer and water service is available to the subject property. The land is a resource only for building purposes. Air quality will not be affected by the proposed change.

7. Areas Subject to natural Disasters And Hazards - not applicable.

8. Recreational Needs

The subject property is not included in the city's recreational needs. Recreational needs of the property's occupants would be provided by the nearby high school track and tennis courts and the YMCA.

9. Economy of the State

The economy will not be affected to any significant degree by the project.

10. Housing

The change makes a more effective use of buildable lands in an effort to solve Albany's housing problems.

11. Public Facilities And Services

Public facilities and services are available to serve the property. The proposed change will not affect to any significant degree the demand on those services and facilities.

12. Transportation

The area has a traffic problem, however, the proposed change will not increase that problem.

13. Energy Conservation

LCDC encourages higher densities in urban areas in order to conserve energy. The proposed change, therefore, complies with the energy conservation goals and guidelines.

14. Urbanization

The land is already surrounded by development and is well within the urban area of the City.

15. Willamette River Greenway - not applicable.

16. Estuarine Resources- not applicable.

17. Coastal Shorelines - not applicable.

18. Beaches and Dunes - not applicable.

19. Ocean Resources - not applicable.

Respectfully submitted,

ROBERT T. SCOTT

KINDLY AFFIXED BY THESE DEEDS, FROM MARGARET G. MCCOY

Grantor's name, address, and other identifying information. Includes 'I, Margaret G. McCoy, do hereby grant, convey and deliver all of that certain real property with the appurtenant rights and appurtenances thereto...' and 'All of grantor's right, title and interest in and to:'

All of grantor's right, title and interest in and to:

Beginning at the Northeast corner of Block 3, Hawthorne Park... 8. 0°26' W. 886.78 feet to the Southeast corner of said Block 3; thence S. 89°23' E., along the North line of West 28th Avenue, 110.0 feet; thence N. 0°23' E., parallel to the East line of said Block 3, a distance of 883.75 feet to a 1/2" iron rod on the South line of that parcel conveyed to the City of Albany for ditch purposes and recorded in Book 159, page 174, Deed Records; thence S. 89°23' W., along said South line, 110.02 feet to the point of beginning, and containing 2.242 acres, more or less, subject to assessments of record.

Handwritten signature of Margaret G. McCoy

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns... In Witness Whereof, the grantor has executed this instrument this 19th day of March, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

x Margaret G. McCoy

STATE OF OREGON, County of Linn

March 19, 1975

Personally appeared the above named Margaret G. MCCOY and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon

STATE OF OREGON, County of Linn

Personally appeared... each for himself and not one for the other, and that the former is the president and that the latter is the secretary of...

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in the full of and corporation by authority of its board of directors, and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon

STATE OF OREGON, 1

GRANTOR'S NAME AND ADDRESS

GRANTEE'S NAME AND ADDRESS

NAME AND ADDRESS OF

George A. Cathy 3610 S. Tokena Albany, Oregon

STATE OF OREGON ss. County of Linn ss. I hereby certify that the within was received and duly recorded by me in Linn County Records: Vol 105 Page 81 (Date)

Handwritten notes and signatures at the bottom right of the page.