

ORDINANCE NO. 4290

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TITLE: ZONE CHANGE AMENDMENT NO. 148, UNDER ORDINANCE NO. 4067 REZONING 1.83 ACRES LOCATED ON THE SOUTH SIDE OF QUEEN AVENUE, WEST OF WAVERLY DRIVE FROM R-1(6) SINGLE FAMILY RESIDENTIAL TO R-1(5).

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. 148

An area described as follows:

Assessor's Parcel Map 11-3W-8D, Tax Lots 1700 and 1800

is hereby rezoned as R-1(5) and this amendment shall be known as zone change amendment number 148 .

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.

Passed by the Council: June 13, 1979  
Approved by the Mayor: June 13, 1979  
Effective Date: July 13, 1979

Richard S. Olsen  
Mayor

ATTEST:

[Signature]  
City Recorder

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Proposed finding for D. C. Investors requested zone change from R-1 (6) Single Family Residential (6,000 square feet minimum) to R-1 (5) Single Family Residential Planned Unit Development.

GENERAL LOCATION:

The subject property is located on the south side of Queen Avenue, west of Waverly Drive.

PRESENT ZONING:

The subject property contains 1.83 Acres and is currently zoned R-1 (6) Single Family Residential.

REQUESTED ZONING:

The proposed request is for R-1 (5) Single Family Residential Planned Unit Development with a maximum density of one dwelling unit for every 5,000 square feet of land area.

JUSTIFICATION FOR PLANNED UNIT DEVELOPMENT DESIGNATION:

~~Section 15.02 of the Albany Zoning and Land Use Regulations sets forth the criteria for the parcel size required in Planned Unit Developments. Within this section it states that the parcel size for a Planned Unit Development in an RS or R1 zone shall not be "less than four acres of contiguous land, unless the Planning Commission or City Council, upon appeal, find that the property of less than four acres is suitable by virtue of its unique historical character, topography, or other natural features, or by virtue of the fact that it is an isolated problem area."~~

This area is an isolated problem area. The surrounding development pattern of multiple family zoning and construction, the lack of sufficient parcel depth and the location adjacent to Queen Avenue, a major collector street, all add together to create a unique situation. Conventional subdivision design does not lend itself well to development of this particular parcel. We would therefore appeal to the Planning Commission to find that due to the unique situation, this area is an isolated problem area and is therefore suitable for Planned Unit Development designation.

THIS SECTION EXCLUDED FROM PLANNING COMMISSION FINDINGS

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CURRENT USE OF THE SUBJECT PROPERTY:

The property is presently vacant.

PROPOSED USE OF THE LAND:

The anticipated use of this property is a cluster type single story residential development.

CONSISTENCY WITH THE PURPOSE OF THE ALBANY ZONING AND LAND USE REGULATIONS:

This requested zone change is consistent with the purpose statement of the Albany Zoning and Land Use regulations, particularly section 1.02, A, C, D, F, G, H, I, J, K, L and M.

COMMUNITY NEED:

There is currently a need for affordable housing within the Albany area. The costs of detached single family housing currently exceed the financial abilities of a large segment of the population. The costs of ownerships are prohibitive. The anticipated development of this area would allow for attached, owner occupied, dwellings. These could be constructed at a lesser cost. Savings could then be available to the consumer. This type of development is not currently available in the Albany housing market. This development would help to fill this void. This specific site has locational advantage over other existing sites. It has direct access to Queen Avenue, a major transportation corridor serving this area. No traffic generated by the proposed development would be channeled onto existing neighborhood streets.

CONFORMANCE WITH THE COMPREHENSIVE PLAN:

The area of this proposed zone change is designated on the current Albany Comprehensive Plan as Urban Residential. The requested R-1 (5) PUD Single Family Residential Planned Unit Development zoning conforms to this designation. Although there is no amendment to the Comprehensive Plan required for approval, Section 197.300 1d of the Oregon Revised Statutes indicates that zone change requests must also be in conformance with the Land Conservation and Development Commission's state-wide Planning Goals and Guidelines.

THIS SECTION EXCLUDED FROM PLANNING COMMISSION FINDINGS

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CONFORMANCE WITH LCDC GOALS:

1. Citizen Involvement:

Citizen Involvement is provided through the notice and hearings procedures of the City. The Planning Department is required under Section 19.04 of the Albany zoning and land use regulations to mail written notices to all property owners within 500 feet of the subject property, informing them of the time, date, place and nature of the hearing. Further, newspaper publication is also required, notifying the general public of the hearing.

2. Land Use Planning:

The City is in the process of land use planning. This is needed to update its existing comprehensive plan and meet the LCDC compliance schedule. However, this request complies with the comprehensive plan adopted prior to LCDC.

3. Agricultural Lands:

The subject property is within the municipal boundary of the City of Albany. It is not listed as agricultural land. By virtue of its present zoning and location, this property has been removed from the inventory of agricultural land. It is committed to urban usage. Further, a less direct link between the proposed zone change and the agricultural goal does exist. By increasing the density within the urban area there will be less demand or pressure to allow urban sprawl into prime agricultural lands.

4. Forest Lands:

This area is not forested and therefore goal 4 is not applicable.

5. Open Spaces, Scenic and Historic Area, and Natural Resources:

The subject property has not been designated as needed or desirable openspace in any known City document. There are no known mineral or energy sources on the subject property. The subject property is not a cultural area, historic area, natural area, scenic area or wilderness area as defined in the LCDC goals and guidelines.

6. Air, Water and Land Resource Quality:

Granting this requested zone change would not significantly affect the air, water and land resource quality of the area. Provisions for waste water treatment will be by the City of Albany.

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- 7. Areas Subject to Natural Disasters and Hazards:  
There are no known hazards or areas subject to natural disasters on or near the subject property.
- 8. Recreational Needs:  
Recreational needs within the immediate area are accomodated by the public bike way, the Perwinkle Elementary School and adjacent City park facilities. Lehigh Park is also located within walking distance of the subject property. Local recreation needs are currently being met. The subject property is not designated for future recreational needs.
- 9. Economy of the State:  
Granting the requested zone change would allow the construction of additional housing thus creating jobs in the home building construction sector. The wood products industry would also be favorably effected.
- 10. Housing:  
This project would allow for the construction of clustered dwelling units. This offers a flexibility of type and style. It is anticipated that with this type of development construction costs could be lowered thus making the price of these units more attractive to the future residents.
- 11. Public Facilities:  
The project proposes to use existing public facilities. Storm and sanitary sewer will be connected to existing City lines. Water will be provided by Pacific Power and Light. Impact on nearby Perwinkle School is estimated to be less than 4 additional students.
- 12. Transportation:  
The major mode of transportation available to the project is the automobile. With access directly to Queen Avenue transportation needs can be met with a minimum of impact on other areas. The project is approximately 2000 feet from the Fred Meyer Shopping Center and 2500 feet from the Prairie Market; within walking distance if so desired.

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13. Energy Conservation:

The construction of attached or clustered dwelling units lends itself to greater efficiency in the building and heating of each of the individual units. The requested zone change would allow for this type of construction. Goal 13, guideline 5, states that "to the maximum extent possible combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency". Granting the requested zone change from R-1 (6) to R-1 (5) Single Family Residential would be consistent with that planning guideline.

14. Urbanization:

Generally the urbanization goal is directed at the conversion of lands from rural to urban usage. The subject property is presently committed to urban usage.

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# TIMBERLAND

*Services, Inc.*

(503) 926-9404

1010 AIRPORT ROAD - P. O. BOX 668 - ALBANY, OREGON 97321

March 13, 1979

## Legal Description

Zone Change Boundary  
1.83 Acres

Beginning at a 5/8 inch iron rod which is North 88°41'00" East 2524.29 feet and South 1°26'40" East 129.00 feet from the southeast corner of the Abram Hackleman Donation Land Claim No. 62 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South 1°26'40" East 178.09 feet to a 1/4 inch X 1 1/2 inch iron bar; thence South 88°41'00" West 315.34 feet to a 3/4 inch pipe; thence North 1°04'00" West 272.10 feet to the south right-of-way line of Queen Avenue; thence North 88°41'00" East 249.48 feet along said right-of-way to a 5/8 inch iron rod; thence South 1°26'40" East 94.00 feet to a 5/8 inch iron rod; thence North 88°41'00" East 64.00 feet to the true place of beginning.