

ORDINANCE NO. 4315

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 3.87 ACRES OF PROPERTY LOCATED AT 4930 AND 4972 COLUMBUS STREET AND ZONING 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. 4312 adopted on the 26th day of September, 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 10th day of October, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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, therefor,

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

Section 1: The following described property to-wit:

11-3W-20, TL 1000, 1100

(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-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. 4312, 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:

1. That the applicants sign a petition for improvement and waiver of remonstrance for constructing the "Ramona" storm water conduit to serve the property.

Section 5. Effective Date:

This ordinance shall become effective 90 days after its passage by the Council.

Passed by the Council: October 24, 1979

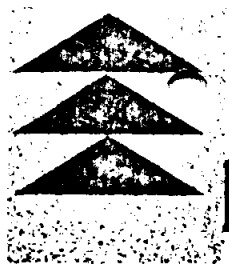
Approved by the Mayor: October 24, 1979

Effective Date: January 22, 1980

Richard S. Olsen
Mayor

ATTEST:

[Signature]
City Recorder



TIMBERLAND

Services, Inc.

(503) 926-9404

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

BAKER/SMITH ANNEXATION

CITY OF ALBANY, OREGON

August, 1979

EXHIBIT A

Beginning at a point on the westerly right-of-way line of Market Road No. 11 in Section 20, Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point being South 0°20' West 704.46 feet from a 5/8 inch rod located at the intersection of said westerly right-of-way boundary of Market Road No. 11 and the southerly boundary of the Southern Pacific Railroad right-of-way; thence South 89°42' West 927.00 feet; thence South 0°20' West 182.00 feet to a 5/8 inch rod; thence North 89°42' East 927.00 feet to said westerly boundary of Market Road No. 11; thence North 0°20' East 182.00 feet to the point of beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

David K. Bateman

OREGON
JULY 25, 1974
DAVID K. BATEMAN
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FINDINGS

The applicant has prepared findings to indicate compliance with LCDC goals and the goals and policies of the Comprehensive Plan. Additional findings prepared by the Planning Department staff follow:

1. The area proposed for annexation is physically developed and occupied by two dwelling units. It is surrounded by urban uses and has water and sewer lines available to it. The two parcels involved are too small to be operated as agricultural units and for these reasons our exception to the LCDC Agricultural Goal is not necessary.
2. There is a pending sanitary sewer improvement lien against the property that will become due upon annexation.
3. Columbus Street is not improved to City standards and a petition for improvement and waiver of remonstrance has been signed by the applicants.

CONDITION

That the applicants sign a petition for improvement and waiver of remonstrance for constructing the "Ramona" storm water conduit to serve the property.

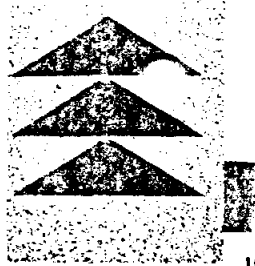
~~MOTION REQUIRED~~

~~That the Planning Commission recommend to the City Council annexation, comprehensive plan amendment from rural to urban residential, and R 1-5 zoning for the Baker and Smith property, Planning Department file number A-8-79, on the basis of the findings provided by the applicant and staff, and including the condition stipulated in the staff report.~~

~~PLANNING COMMISSION ACTION~~

~~At their September 10th meeting, the Planning Commission recommended to the City Council that the comprehensive plan amendment, annexation, and zoning as R-1(5) Single Family Residential be approved based upon the findings as submitted by the applicant and the staff and with the one stated condition~~

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COMPREHENSIVE PLAN AMENDMENT

FROM AGRICULTURAL AND RURAL RESIDENTIAL

TO URBAN RESIDENTIAL FINDINGS

There is currently approximately 69 acres of land within the City zoned R1 (5). These parcels are located on the south side of Queen Avenue and those surrounding the property under consideration. A large portion of this R1 (5) property is either developed or in the process of being subdivided and developed.

These 5000 square foot lots are necessary to fulfill the needs of the changing composition of the average American household.

The average number of persons per dwelling unit is decreasing. The Albany Housing Study prepared by CH2M Hill indicates that the average number of persons per dwelling unit in single family units has decreased from 3.19 in 1970 to 2.99 in 1976. This report projected the average persons per single family dwelling unit to stabilize between 2.8 to 3.0. It must be stressed that this is the overall average therefore substantially greater numbers of households less than 2.99 will be created than those above 2.99 persons per dwelling unit.

Oregon follows quite closely to the national trends. Currently 25 percent of all households in the United States are one-person households, 31 percent are 2 person households. Nationally over one-half of all households are composed of either 1 or 2 persons.

It follows that smaller households would require houses with less square footage. Table 18 of the Ch2M Hill Albany Housing Study reflects this trend. In new homes completed in the Western United States the median square footage has dropped from 1655 square feet in 1968 to 1540 square feet in 1974. It would follow that smaller homes would not require as large a lot as generally larger homes.

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An additional need is that of affordable housing. The 5000 square foot lots could be expected to be sold at a lower cost than larger lots. As 25 percent of the cost of a new home is land, any major decrease in land cost would have a significant impact on the sale price of a new home. There is a need for single family lots of less than 6000 square feet. R1 (5) subdivisions are also more land efficient than larger lot subdivisions.

Public need would be better met by classifying this property R1 (5) than by the rezoning of other areas within the City. The south Albany area is the most rapidly growing area within the City. This is partly because the other areas of the City have already been developed. Within other areas the infrastructure is in place. These facilities (primarily water and sewer) are laid out for the type of subdivisions based on existing zoning. To rezone these areas would necessitate the breaking of streets and the reinstallation of sewer and water services to accommodate the increased allowable density. Allowing the zoning of this property at an R1 (5) density would allow for the efficient layout of all services at the R1(5) density. There would be no wasteful redevelopment required.

The proposed annexation agrees with the goal statements of the comprehensive plan. The plan indicates that "Urban lands are presently or likely to be served within the planning period." This area is currently served by urban facilities. The comprehensive plan map is apparently in error as it is not in general agreement with the goals and policy statements.

The subject property is within the Preliminary Urban Growth Boundary. This line is to delineate the separation of rural from urbanizable lands. This area is designated urbanizable and not rural or agricultural.

This request is to annex property to the City of Albany and to zone that property R1 (5) (Single Family Residential 5000 square foot minimum lot size). This property is located on the west side of Columbus Street south of the Southern Pacific Railroad tracks. The property is surrounded on three sides by property currently within the City and presently zoned R1 (5). These are the Campbell property and the Nelson Mobile Home Park.

The requested annexation is to allow for the development of a subdivision on this property.

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PROPOSED FINDINGS RELATED TO LCDC GOALS

BAKER/SMITH ANNEXATION

TO THE CITY OF ALBANY

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GOAL 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.

GOAL 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 current goal statements and policies of the comprehensive plan which was adopted prior to LCDC.

GOAL 3 - AGRICULTURAL LANDS

This property is comprised of Class II and III soils as determined by the USDA Soil Conservation Service. Approximately 95% of the property is amity silt loam: Class IIw. The remainder is concord silt loam: Class IIIw. The property is currently vacant except for two residences. This area has been determined, through the process of developing the approved Preliminary Urban Growth Boundary, to be required for urban rather than agricultural use. Further, due to the property's small size and elongated shape it is not ideally suited to agricultural useage. The sprays, particulate drift and noise would be a nuisance for the surrounding residential developments.

GOAL 4 - FOREST LANDS

The area is currently not in forest production although the site has a woodland capability rating of 3w (S.C.S. designation), its small size and location within the Preliminary Urban Growth boundary, does not lend the property to commercial forest production.

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GOAL 5 - OPEN SPACE, SCENIC AND HISTORIC AREA, AND NATURAL RESOURCES

This area is not a fish or wildlife habitat. There is no evidence that the area is of ecological or scientific significance nor is it a historic, cultural, wilderness or scenic area as defined by the Land Conservation and Development Commission Goals and Guidelines. There are no known mineral or aggregate resources on or beneath the property. The soil types found on the property are not suitable for sand and/or gravel as determined by S.C.S. data. There are no known energy sources on the property.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY

Conversion of the subject property to urban use would not have a significant impact of the air, water or land resource quality of the Albany area. Albany currently meets Department of Environmental Quality air standards. All pollutants comply with standards as determined by D.E.Q. monitoring (D.E.Q. annual report 1977). The envisioned residential development would not create excessive pollutants. Waste water generated by future residents in the area would be routed into existing sewer lines and processed at the sewerage treatment facilities. Runoff would be channeled into the existing storm sewer system.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Based on information provided by the June, 1971 Corp of Engineers publication, FLOOD PLAIN INFORMATION, Willamette River, Calapooia River, Oak Creek, Albany, Oregon, no portion of this property is within the 100 year flood plain of Oak Creek. The subject property, like all of Linn County and a major portion of Oregon, is in a Zone 2 Seismic risk category. Zone 2 indicates the possibility of moderate damage. This corresponds to VII on the Mercalli scale or 5.5 to 6.1 on the Rickter scale (very strong: general alarm, walls crack, plaster falls, ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY 1974). The area is not indicated as being subject to mass movement or slope related hazards.

GOAL 8 - RECREATIONAL NEEDS

This property has not been designated as needed or desirable for recreational or open space in any known City document. Existing recreational facilities should not be adversely affected.

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GOAL 9 - ECONOMY OF THE STATE

Granting the requested annexation would not of itself have any long term impact on the State's economy. However, as the property is developed, employment opportunities will be generated in the construction, homebuilding, lumber and wood products sectors of the economy.

GOAL 10 - HOUSING

The annexation and development of this area is intended to create additional housing stock in the Albany area. This would allow for a greater choice and variety of housing. Preliminary studies indicate that the area could accomodate approximately 19 dwellings in addition to the two existing dwellings on the properties.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Sewer capacity is adequate to service this area. Water can also be extended to the area. Based on information supplied by the Oregon State Department of Education, the number of grade school children per urban household is 0.20. Assuming a possible 20 units, the projected impact on local elementary schools would be 4 additional students.

GOAL 12 - TRANSPORTATION

The major mode of transportation which will be impacted by the proposed annexation and future development is the public road system. Trips generated per day are estimated to average 2.5 per person in urban single family dwelling assuming 3 persons per household and 20 households. The predicted average number of trips per day generated by the development of this area would be 150. This should not have a significant impact on the existing transportation system.

GOAL 13 - ENERGY CONSERVATION

The annexation and development of the subject property would, by virtue of its location close to urban services, be more energy efficient than development further from such services. Energy expended in travel and construction of the extension of public facilities would be less in this location than other locations farther from the central area. Houses constructed on the property would employ energy saving construction techniques and materials.

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GOAL 14 - URBANIZATION

The property is within the approved Preliminary Urban Growth Boundary. Public services such as water and sanitary sewer are available to service the area. Because of its location in relation to surrounding urbanized and urbanizing patterns, the annexation of this property would constitute an orderly extension of public facilities. The area in this vicinity has experienced considerable residential development recently. As this property is located well within the preliminary Urban Growth Boundary, there would be no potential conflict between the residential development and rural/agricultural uses outside the boundary.

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