

ORDINANCE NO. 4401

TITLE: ZONE CHANGE AMENDMENT NO. 149, UNDER ORDINANCE NO. 4273 REZONING 5.17 ACRES OF PROPERTY SOUTH OF THE LEHIGH ACRES AND EASTGATE SUBDIVISIONS NORTH OF 21ST AVENUE AND WEST OF INTERSTATE 5 FROM R-1(8) SINGLE FAMILY RESIDENTIAL TO R-2 LIMITED MULTIPLE FAMILY

WHEREAS, the Planning and Zoning Commission of the City of Albany has held such hearings as are required by 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 described above and bases its decision in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein; and

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

1. The R-2 area is designated as a PUD.
2. The new zone boundary must be consistent with the subdivision plat when final approval is granted.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. ZONE CHANGE AMENDMENT NO. 149

An area described as follows: (see attached legal description) is hereby rezoned as R-2, Limited Multiple Family, and known as Zone Change Amendment No. 149.

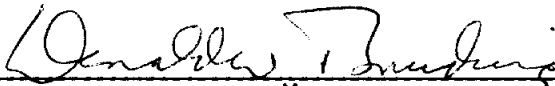
Section 2. COPY FILED

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: February 11, 1981

Approved by the Mayor: February 11, 1981

Effective Date: March 13, 1981


Mayor

ATTEST:


City Recorder

McCullough, Bryant &
Associates Incorporated



TIMBERLAND

Services, Inc.

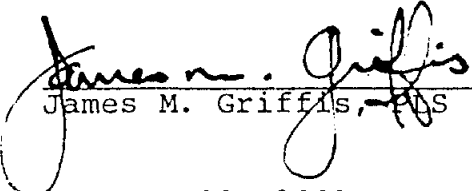
SURVEYORS • ENGINEERS • PLANNERS • FORESTERS

Robert Hoag

Legal Description

A parcel of land located in the SW 1/4, Section 9, Township 11 South, Range 3 West, Willamette Meridian, in Linn County, State of Oregon, containing 5.01 acres and being more particularly described as follows:

Beginning at a 5/8" iron rod found for the northeast corner of that parcel described in Book 287, Page 340, Linn County Deed Records, said iron rod being North $01^{\circ}39'00''$ West 2876.28 feet and North $88^{\circ}42'15''$ East 2673.70 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49, Notification No. 595; thence South $88^{\circ}42'15''$ West 251.00 feet; thence North $01^{\circ}39'00''$ West 509.40 feet; thence along a 475 foot radius curve right 96.13 feet, the long chord of which bears North $04^{\circ}08'52''$ East 95.97 feet; thence along a 525.00 foot radius curve left 104.24 feet, the long chord of which bears North $04^{\circ}15'27''$ East 104.07 feet; thence North $01^{\circ}25'49''$ West 150.14 feet; thence North $88^{\circ}42'15''$ East 248.54 feet to the westerly right-of-way of Interstate Highway 5; thence South $00^{\circ}24'50''$ East along said westerly right-of-way 858.74 feet to the true place of beginning.


James M. Griffis, PLS

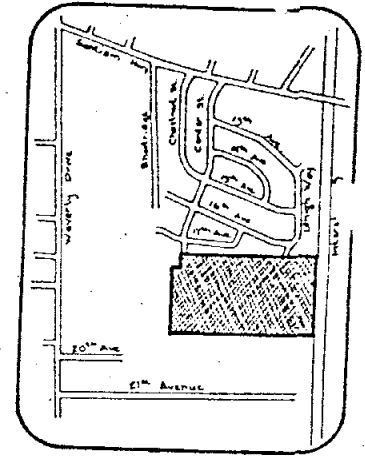
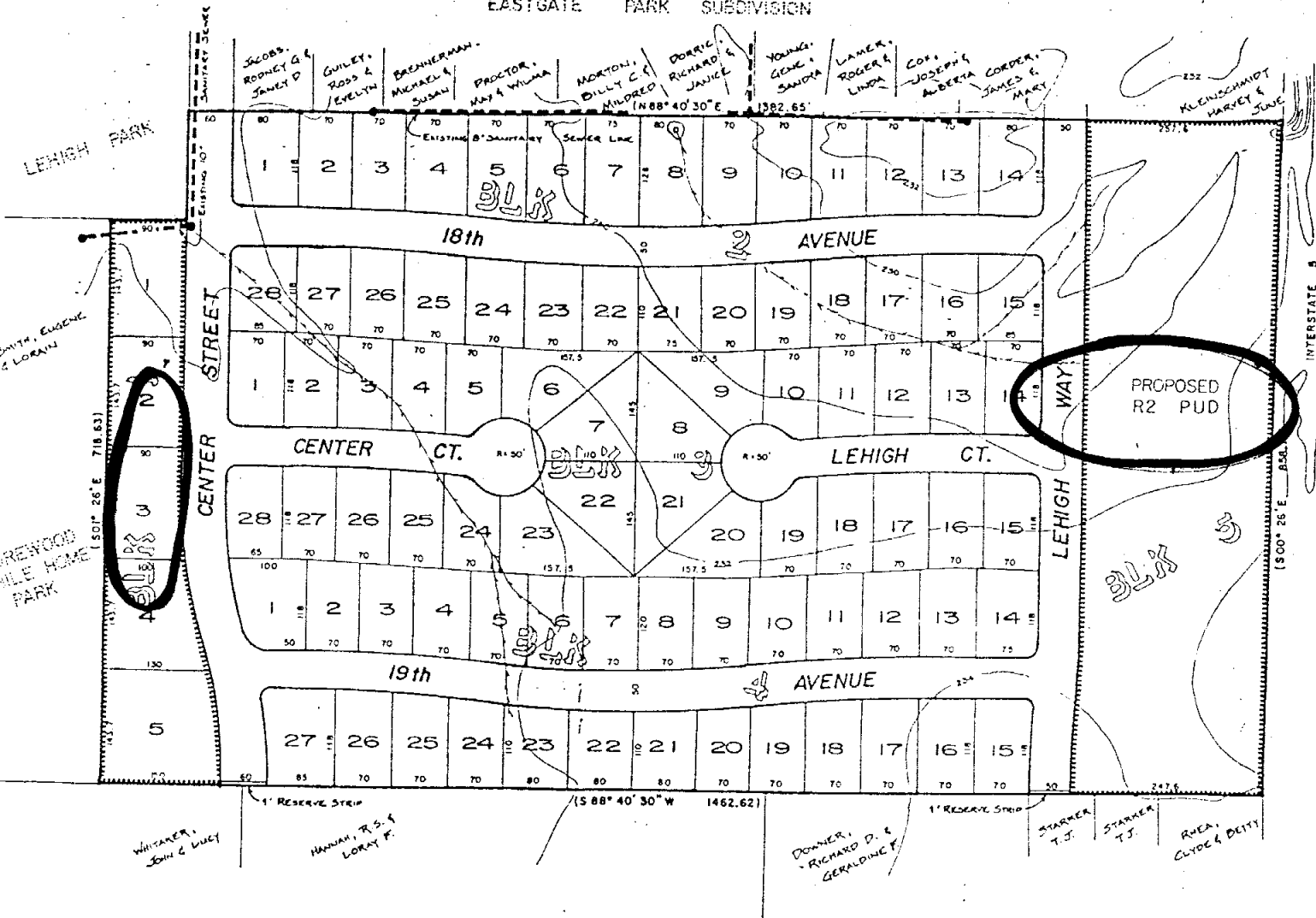
January 23, 1981

JMG/je

PRELIMINARY PLAT OF
RYDERWOOD

CITY OF ALBANY, LINN COUNTY, OREGON
 SOUTHWEST 1/4 SECTION 9, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN

EASTGATE PARK SUBDIVISION



— VICINITY — MAP —

Owners

RYDERWOOD INC.
 3828 LINN AVENUE NE
 ALBANY, OR. 97321

Developers

RYDERWOOD INC.
 3828 LINN AVENUE NE
 ALBANY, OR. 97321 928-639

Consultants

TIMBERLAND / McCULLOUGH INC.
 1010 AIRPORT ROAD P.O. BOX 668
 ALBANY, OR. 97321 926-9404

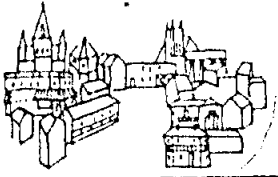


Scale: 1" = 100'

Summary

- 83 R1(8) LOTS RANGING FROM 7,700 SQ. FT. TO 10,500 SQ. FT.
- 5 R3 LOTS RANGING FROM 12,933 SQ. FT. TO 20,118 SQ. FT.
- 1 R2 PUD LOT 225,505 SQ. FT.
- TOTAL AREA = 28.67 ACRES - 4.9 ACRES OF STREET

BEARINGS AND DISTANCES ARE BASED ON CS 10662. CONTOURS AND SANITARY SEWER LINES BASED ON CITY OF ALBANY DATA.



CITY OF ALBANY
PLANNING DEPARTMENT
STAFF REPORT

TELEPHONE: 967-4318

Type of Request: Zone Change Neighborhood: _____
Hearing Dates: October 6, 1980 Hearing Bodies: Planning Commission
November 3, 1980 Planning Commission
November 19, 1980 City Council
Applicant's Name: Ryderwood, Inc. File Number: ZC-3-80
Property Location: South of Lehigh Acres, East of Waverly Dr. / 11-3W-9C; 802, 803, and 805
West of I-5, and North of 21st Avenue Assessor's Map and Tax Lot N
Current Comprehensive Plan designation/zoning: Urban Residential/R-1(8)

REQUEST SUMMARY

Requests rezoning from R-1(8) Single Family Residential to R-2 Limited Multiple Family and R-3 Multiple Family Residential for 6.9 acres of property south of the Lehigh Acres and Eastgate Subdivisions north of 21st Avenue and west of Interstate 5.

BACKGROUND INFORMATION

This property is located within the proposed Ryderwood Subdivision which includes the northernmost 28.69 acres of the recently approved 266 acre Waverly - Grand Prairie annexation.

The zone change as proposed by the applicant would deviate from the existing R-1(8) zoning in two places (refer to the attached preliminary plat of the Ryderwood Subdivision for location of the two areas). The first is an area which includes 5.17 acres and is immediately adjacent to I-5. It is located on the eastern side of the proposed subdivision. The applicant is requesting R-2 PUD zoning (limited multiple family residential, Planned Unit Development) for this area in order to allow for the necessary flexibility to overcome the problems of locating a residential development adjacent to Interstate 5. If this area were to develop at the maximum allowable densities, it could potentially support 112 studio and one bedroom apartments or 75 two bedroom and above sized units.

The second area for which the applicant is requesting a zone change is located on the west side of the proposed subdivision between the extension of Center Street and the existing Shorewood Mobile Home Park. The applicant is requesting R-3 zoning (Multiple Family Residential) for this area which contains 1.73 acres. If this area were to develop at the maximum allowable density, it could support a total of 63 multiple family units.

Ordinance No. 4350 which was passed on March 12, 1980 by the Albany City Council annexing this property, states that this area will be annexed "and zoned on an interim basis as R-1(8) Single Family Residential until such time as the Comprehensive Plan has been revised and recommendations made." The City Council is presently holding hearings on the proposed Comprehensive Plan. The Comprehensive Plan as proposed by the Planning Commission designates this entire area as Residential Reserve which means that it is designated for future residential use at a density to be determined at such time as a development is proposed. The determination of the appropriate density shall be based on the ability to provide services and the limitations that the necessary services create. (i.e. sewer, streets, police and fire protection, etc.)

FINDINGS REQUIRED

State Law requires that zone changes made in jurisdictions without State "acknowledged" Comprehensive Plans, such as Albany, must be made with findings that indicate that the changes are consistent with the Oregon Land Conservation and Development Commission (LCDC) Goals and Guidelines. In addition, the City's Zoning Ordinance requires that changes in zoning must be made on the basis of a finding of "public need for a change in the kind in question," and a finding that "the need will best be served by changing the classification of the particular property in question as compared to other available property."

FINDINGS IN FAVOR

The applicant's findings in favor of the proposed changes are attached

FINDINGS OPPOSED

1. Approval of this request could be in conflict with Ordinance 4350 as described above.
2. Approval of this request prior to approval of the preliminary Ryderwood Subdivision may result in inconsistencies between the zoning and lot lines.
3. The applicant has not shown sufficient need for increased densities in the specific locations designated.
4. There is no need to buffer the Shorewood Mobile Home Park from the Ryderwood Subdivision with high density housing.
5. Increasing the allowable density next to the Freeway only results in placing more people in an area with an ongoing noise problem.

CONDITIONS

1. That the R-2 area be designated as PUD.
2. That the R-3 area be subject to site plan review.
3. That the new zone boundary be consistent with the subdivision plat when final approval is granted.

PLANNING COMMISSION RECOMMENDATION

At its November 3, 1980 meeting, the Planning Commission recommended to the City Council that the R-2 portion of the request be approved and that the R-3 portion of the request be denied based on the applicant's findings for R-2 with the two conditions: (1) That the R-2 area be designated as PUD and (2) That the new zone boundary be consistent with the subdivision plat when final approval is granted and further, that the denial of the R-3 portion of the request be due to the following: that the applicant has failed to prove a public need for R-3 zoning in this particular location; that there is no need to buffer the Shorewood Mobile Home Park from the Ryderwood Subdivision with high density housing (staff report finding No. 4); that there would be too much generation of traffic on Center Street and that the R-3 proposed zoning would not be compatible with the lower density zoning of Shorewood Mobile Home park thereby making such request incompatible with the nature of Shorewood Mobile Home Park.

PROPOSED FINDINGS
FOR
RYDERWOOD REZONE

BACKGROUND

This property is a portion of the recently approved Waverly-Grand Prairie Annexation. Then this property was proposed for annexation, findings were submitted to indicate the need for specific zoning of the entire area. Those findings have been refined and made a portion of this request.

At the time this area requested annexation, the Planning Commission recommended that the City Council annex the property with the stipulation that the entire area be zoned R18 until the comprehensive plan was completed. The comprehensive plan is now being reviewed. The public hearings portion of the process is now underway.

The proposed zone change deviates from the current R18 zoning in two areas. The area west of the proposed extension of Center Street is proposed as R3. The area between an extension of Lehigh Way and Interstate 5 is proposed for R2 Planned Unit Development. These two areas, although separate, are addressed by the same set of findings.

The proposed R3 area contains approximately 71,850 square feet or 1.6 acres. It is bordered on the north by Lehigh Park, on the south by currently undeveloped land, on the east by the proposed Lehigh Meadows Subdivision and on the west by the Shorewood Mobile Home Park.

Center Street has been indicated on an approved street plan as serving this area. It is proposed to function as a major neighborhood street feeding into 21st Avenue. 21st Avenue is the proposed designated collector to serve the entire area.

The proposed R2 land is located adjacent to Interstate 5. The Planned Unit Development designation is being requested in order to allow for the necessary flexibility to overcome the problems of locating a residential development adjacent to Interstate 5.

SUMMARY OF FINDINGS (For complete findings see Section 5)

FINDINGS

1. Citizen Involvement

Citizens have been and will continue to be afforded the opportunity to be involved in the planning process.

2. Land Use Planning

Land use planning has been and will continue to be employed in this area.

3. Agricultural Lands

This area is within the City of Albany and is designated for urban and not agricultural use.

4. Forest Lands

This goal is not applicable to this area.

5. Open Spaces, Scenic and Historic Areas and Natural Resources

No existing open spaces, scenic and historic areas nor any natural resources will be affected by the development of this area.

6. Air, Water and Land Resources Quality

Air, water and land resources quality will not be adversely impacted by the development of this area.

7. Areas Subject to Natural Disasters and Hazards

There is no known potential for natural disasters or natural hazards associated with this area which would preclude development.

8. Recreational Needs

There currently exists in the public and private sector the mechanism to insure that future recreational needs can be accommodated.

9. Economy of the State

The proposed rezone and subsequent development of this area will have a beneficial impact on the State and local economy.

10. Housing

The development of this area is necessary to insure that the housing needs of future residents will be met.

11. Public Facilities and Services

Public facilities and services can be extended and expanded to accommodate development in this area.

12. Transportation

The transportation needs of this area can be served. A road network plan for this area has been adopted which has been incorporated into the proposed development plan.

13. Energy

This development will minimize energy demand both in construction and transportation by consolidating growth near existing public facilities, traffic generators and major transportation corridors.

14. Urbanization

The area is totally within the City of Albany municipal boundary. There are currently public facilities adjacent to the area. In ^{some} some cases these facilities have already been extended. The area is required to allow choice in the various residential needs in the market place. This rezone meets the LCDC goal requirements.

PUBLIC NEED

There is a public need for developable land close to the central portion of the City. Intense commercial development is occurring in the area between 14th Avenue and Santiam from Waverly Drive to Geary Street. As this area continues to develop and as energy for transportation becomes more of a concern, people will desire homes within walking distance or short drives from shopping areas. This area would provide for the future development needs of a growing community. Studies indicate that Albany is projected to grow at an average annual rate of between 3% and 6% from now until 1990. As stated in the CH₂M Hill Albany Housing Study (October, 1978) Potential for Growth 3-19, "there appears to be a significant potential for growth in Albany and no major limiting factors. Land is available for both commercial and industrial sector expansion. Rail and interstate highway access is excellent. There is a diversified labor force of skilled and well educated workers. In addition, there is considerable interest in and future opportunity for renewal activities in the downtown area".

In addition to these favorable internal conditions, there are also external conditions that may have a positive impact on Albany's growth potential. As indicated in the Albany Housing Study, "At present, there is a relatively large (and probably expanding) group of people who work in communities surrounding Albany where housing is not available in sufficient quantity to accommodate them. In Millersburg, for example, 60% of the City

has been designated for industrial use. The lack of public facilities and appropriate land resources makes it unlikely that all or even most of the existing or future industrial workers could be housed in Millersburg."

These statements indicate that although the rate of population increase may fluctuate from year to year, the overall average growth rate will continue. The CH₂M Hill Albany Housing Study indicates that the 1990 population of Albany is projected from a low of 37,290 by limiting or discouraging growth to a high of 46,960 by encouraging growth. By accommodating anticipated growth, the projected Albany population for 1990 is 41,870.

At the minimum projected increase, the population of Albany will increase by over 10,000 people within the next decade. There is now a need to plan for accommodating these future residents. Planning is mandatory to avoid the unnecessary and costly retrofitting of public improvements in developed areas.

Generally, similar findings can be made regarding the proposed R2 property. There is currently no vacant developable R2 land within the Periwinkle neighborhood. As indicated by the Albany Housing Study, 35% of all new building permits are projected to be multiple family dwellings. As the costs of land, labor and materials continue to escalate, fewer families will be able to afford the price of a single family home. The needs of these families must be met with affordable housing. Currently multiple family units are filling this need.

The proposed R2 area will have access to Center Street via 19th and 20th Avenues. The eventual traffic circulation pattern will tie into 21st Avenue; a designated collector for the area.

As pointed out in the background portion of these findings, the PUD designation is requested to allow flexibility. Being adjacent to Interstate 5, this property has some special concerns and problem areas which generally make it less than desirable for standard single family home construction. The property is nonetheless within the city limits and has public utilities available. It has been determined that this area is needed to fulfill the housing needs of the City of Albany. The proposed R2 PUD designation will help to ensure that these needs are met in a useful and efficient manner.

These proposed changes are consistent with the existing comprehensive plan. The existing plan designates this area as urban residential. The proposed comprehensive plan designates the area as Urban Residential Reserve. According to the plan, the Urban Residential Reserve designation is compatible with all residential zoning districts.

LCDC GOALS STATEMENT; PROPOSED FINDINGS

Citizen Involvement

Through the various hearings and public meetings required for the annexation and zoning of the area under consideration, citizens will be afforded the opportunity to be involved in the planning process. The Albany Zoning and Land Use Regulations require that property owners within 500 feet of the area proposed for annexation and zone change be notified of the time, place and date of public hearing to consider the matter by the Planning Commission. Further, a public hearing is required before the City Council. A notice advertising this hearing must be published 3 times in the local newspaper 5 to 15 days prior to the scheduled hearing. These hearings relate to the site specific of the area. More generalized input was gathered at the time of the adoption of the comprehensive plan and the urban growth boundary. The comprehensive plan designates the area as urban residential. The urban growth boundary indicates that this area is suitable and desirable for urbanization. Numerous public hearings were held on these policy documents prior to their adoption.

Land Use Planning

Land use planning is now under way for the entire City of Albany urbanizing area. The LCDC sponsored comprehensive plan is to be completed by Autumn of 1980. The existing City comprehensive plan indicates this area for urban residential. The proposed comprehensive plan indicates this area as Residential Reserve.

Agricultural Lands

The area proposed for rezone is within the City of Albany and as such is committed to urban use. An exception to the agricultural goal was presented and accepted at the time of annexation.

Forest Lands

Like the agricultural goal, an exception was accepted at the time this area was annexed.

Open Space, Scenic and Historic Areas, and Natural Resources

There are no known documents which indicate that any portion of this area should be maintained as a natural area or open space (park lands is addressed in the narrative on goal 8, Recreation). There are no mineral resources known in this area. The S.C.S SOILS OR-1 data indicates that the soils found in this area are not suitable for gravel or sand resources. There are no known energy sources within this area.

This area is not a major wildlife habitat, nor could it be considered a natural or wilderness area as defined in the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines. This area does not appear to be of ecological or scientific significance.

Historic

. There are no known historic structures or events associated with this property.

Air, Water and Land Resource Quality

The area proposed for rezoning is intended to be placed in residential usage. No industrial facilities are envisioned. Any long term sources of air pollution would be expected from automobiles or home heating systems. Short term sources, such as dust and other particulates, could be associated with construction and development of the area. These pollution sources are monitored by the Department of Environmental Quality, or the Environmental Protection Agency.

Albany has a level of air quality which meets both the current Environmental Protection Agency.

Albany has a level of air quality which meets both the current Environmental Protection Agency and the Department of Environmental Quality standards.

The land resources in this area would not be over-burdened by the development of this area. There is capacity at the existing sanitary landfill sites to accommodate future growth. Solid wastes generated by the development of this area should not exceed their capacity.

The development of this area would not have any adverse impact on existing noise levels within the area. As the area is designated as urban residential and not industrial or commercial, one would not anticipate substantial noise pollution to be generated.

Air, land and water quality are monitored at several governmental levels. The Federal Environmental Protection Agency and the various divisions of the State Department of Environmental Quality as well as the County Department of Health Services over-see and regulate development which might have an adverse impact on the quality of the environment. Beyond that, local nuisance ordinances further limit deleterious impacts on the air, land and resource quality.

Natural Hazards

This area is not indicated as being within any designated flood plain. There are no slopes associated with the area which would constitute a natural hazard.

This area, like most of Oregon, including all of Linn County, is in a seismic risk zone 2 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 Richter scale (very strong; general alarm, walls crack, plaster falls). This area is not subject to landslides, nor is it within a designated flood plain. The possible existing hazards related to ground water can be alleviated by the installation of a storm sewer system. There are no natural hazards or areas prone to natural disasters which would preclude development in this area.

Recreational Needs

The proposed rezone is located adjacent to Lehigh Park. Recreational activities can be accommodated there.

Recognizing the need for additional park land, fees will be assessed by the City on all subdivision lots and new residential construction to pay for the required park land.

There are other recreational facilities in Albany other than parks. These include golf courses, bowling alleys, the YMCA, Albany Boy's Club, private swim and tennis clubs and, if plans are approved, racquette ball/hand ball facilities. These are set up on a user fee basis. When demand becomes strong enough, these facilities may be expanded. The mechanisms currently exist in both the public and private sector to insure that current and future recreational needs can be met.

Economy of the State

The development of this area will not adversely impact the economy of the State. There are no industrial areas proposed, therefore, no diversification of the economic base within this area is anticipated. The major anticipated impact would be on the contract construction and lumber and wood products sector of the economy. In the fiscal year 1978, 20% of the employment (by place of residence) in Linn County was in the field of lumber and wood products; 4.6% was in the contract construction sector. These two major sectors of the Linn County economy would be favorably effected by the construction which would come about by the development of this area. This benefit would not be long term, particularly in the case of contract construction.

The largest direct impact would be on these two sectors. However, indirect benefit would accrue to the area. These workers spend their earnings in the local community. This money becomes the wages of other workers. The multiplier effect is from 2 to 2-1/2 times in this area. Every dollar earned travels about 2 times through the economy before it is taken out of the area to banks, out of state corporations, etc.

Other considerations must be examined. The lumber and wood products and contract construction sectors are heavily dependent on trees. Trees are one of this areas renewable resources. Also from time to time, Linn County has been designated an economically lagging area. The anticipated impact of the development of this area would help to alleviate the threat of such an occurrence.

Housing

Projections for the future population of Albany range from a low of 37,290 to a high of 46,900 by the year 1990. This, at a minimum, indicates that within the next decade the population will increase by one-third over the current figure. Housing for at least 10,000 new citizens will be required.

Not only is the population increasing, but the average household size is decreasing. The average household size for Albany's single family units in 1970 was 3.19. In 1977 this had dropped to 2.99. This down trend in household size is expected to stabilize at between 2.8 and 3.0 persons per single family dwelling unit. When considering all types of dwelling

units, the average household size has decreased from 2.96 in 1970 to 2.74 in 1978. By 1990 this figure is anticipated to be 2.54.

Clearly there will be a need to provide for additional and varied housing in Albany.

Public Facilities

The funding which supports the Albany Police Department comes from several sources. Based on City Finance Department data, approximately 20% of police revenue is generated from property taxes. The remaining 80% comes from court fines, license fees, franchises (Pacific Power and Light, Pacific Northwest Bell and Northwest Natural Gas), Federal programs and sumptuary tax revenues on cigarettes and liquor. Franchise revenues are based on a percentage of each customer's bill and cigarette and liquor tax revenues are allocated based on population therefore, an increase in population generates additional franchise revenues and an increase in the City's share of State liquor and cigarette tax revenues.

There are increased costs to police services brought about by growth. Generally, areas developed are at the outer fringe of the City. Serving these areas means driving through the City to reach them or building a sub-station. However, in this particular instance the area is not at the far extreme reaches of the City. In fact, this area is within a closer distance to the police station than much of the developed area within the City.

The development of this area would increase the franchise revenues. It could also increase State liquor and cigarette revenues.

Fire, like police, is funded from the general fund. Approximately 20% of the general fund comes from property taxes. The remaining revenue for the general fund comes from other sources. Most of these are favorably affected by growth.

Health care is provided by the Albany Hospital and several practicing physicians. These are privately owned and are operated based on use fees. Water and electricity can be extended as can natural gas lines and telephone. Sewer service can also be extended to service the area.

Transportation

The major transportation mode available to this area is the automobile. The development plans submitted for this area incorporate the street plan adopted by the Albany City Council in November of 1977.

Energy

The proposed development is within City limits. It is located near an existing major commercial area. It is closer to the central core than some areas already within the City. Development of this area is an infilling process rather than a linear expansion. This type of development does not lead to the energy usage, than would these extensions to areas further from the central of the City. Future residents would be in close

proximity to existing and proposed major commercial developments. This should reduce their consumption of gasoline to reach these retail trade areas then compared with residential areas further away.

As the area is developed, energy efficient design and construction practices will be employed.

Urbanization

This land has been included in the approved preliminary urban growth boundary. The delineation of Albany's urbanizable area has been formally agreed to by Benton County, Linn County and the City of Albany. The area is located adjacent to the existing City limits.

The urbanization goal indicates that land within boundaries separating urbanized land from rural land shall be considered available over timber for urban uses. Conversion of urbanizable land to urban uses shall be based on the following considerations:

1. Orderly, economic provision for public facilities and services section. The area is adjacent to the City, services are capable of being extended and in some instances are already in place. However, the residents are precluded from connecting to City facilities until they are annexed.
2. Availability of sufficient land for the various uses to insure choices in the market place. As indicated earlier, this area will require 2 to 5 years to develop. The area will be necessary to meet future land needs in the residential sector.
3. L.C.D.C. Goals have been addressed at length.
4. Encouragement of development within urban areas before conversion of urbanizable land.