

ORDINANCE NO. 4454

TITLE: ZONE CHANGE AMENDMENT NO. 1, UNDER ORDINANCE NO. 4441 REZONING APPROXIMATELY 3.23 ACRES OF LAND LOCATED NEAR THE EAST END OF 28TH AVENUE AND NORTH OF GRAND PRAIRIE FROM R-1 LOW DENSITY RESIDENTIAL TO R-2 LIMITED MULTIPLE FAMILY RESIDENTIAL.

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. That the zone change be subject to a PUD overlay.

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

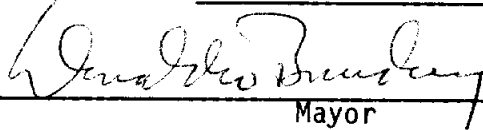
Section 1. ZONE CHANGE AMENDMENT NO. 1

An area described as follows: 11-3W-16, Tax Lot 802 (legal metes and bounds attached) is hereby rezoned as R-2, Limited Multiple Family Residential, and will be known as Zone Change Amendment No. 1.

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: October 14, 1981
Approved by the Mayor: October 14, 1981
Effective Date: November 13, 1981



Mayor

ATTEST:



City Recorder

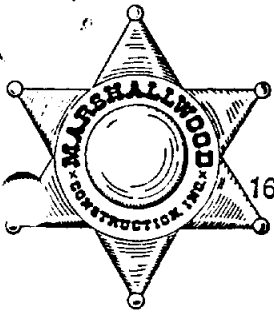
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NEW ZONE DESCRIPTION

PARCEL C

Beginning at a 5/8 inch rod on the West line of Section 16 which is $N0^{\circ}23'30''W$ 311.40 feet from the West one-quarter (W1/4) corner of said Section 16 in Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence $N0^{\circ}23'30''W$, along said West section line, 209.66 feet to a 5/8 inch rod; thence along the arc of a 225.00 foot radius curve to the left (chord bears $N71^{\circ}11'43''E$ 138.39 feet) a distance of 140.67 feet to a 5/8 inch rod; thence along the arc of a 75.00 foot radius curve to the right (chord bears $N71^{\circ}41'51''E$ 47.38 feet) a distance of 48.20 feet to a 5/8 inch rod; thence $S89^{\circ}53'24''E$ 309.35 feet to a 5/8 inch rod; thence along the arc of a 10.00 foot radius curve to the right (chord bears $S44^{\circ}53'24''E$ 14.14 feet) a distance of 15.71 feet to a 5/8 inch rod; thence $S0^{\circ}06'36''W$ 290.08 feet to a 5/8 inch rod; thence $N89^{\circ}58'55''W$ 408.63 feet to a 5/8 inch rod; thence along the arc of a 125.00 foot radius curve to the left (chord bears $N69^{\circ}38'22''W$ 90.30 feet) a distance of 92.39 feet to the place of beginning. Containing 3.23 acres of land, more or less.

10/5/81



MARSHALLWOOD CONSTRUCTION, INC.

165 N. E. POWDERHORN DRIVE Corvallis, OR 97330 ■ (503) 757-1236

PUBLIC NEED

There is a public need for affordable apartments designed for families (with children). Application has been made to the Housing Division, Department of Commerce, State of Oregon for permanent financing. Preliminary approval has been obtained. The state sells bonds which are tax exempt and afford loan sponsors at a rate below market rate. Additionally HUD offers a section 8 rent subsidy to the tenants whereby they pay 25% of their income to rent, within certain income limits. The sponsor is commencing with a similar project in Corvallis which will allow for cost savings for the Albany project.

Currently, elderly housing is very difficult to fund. What few funds exist seem to be targeted toward family housing.

Albany, at this time, has no subdivision of Family Apartments. With the current economy there is a certain need for this type of housing.

The Housing industry has been hard hit by record breaking high interest rates and subsequently conventional construction is almost at a stand still.

There is a good chance funding will be available for this project in this location which would help the local wood products industry as well as various trades that will participate in said project.

The sponsor built and has maintained for the last 10 years on Elderly FHA 236 Apartment project (40 units) and he enjoys a good track record with the City of Corvallis and H.U.D. Last year he built and sold 28 Townhouses in a down market.

This project will be an attractive, quality built, affordable family apartment of a kind the Albany community needs.

Licensed and Bonded



SCDC GOALS STATEMENTS; PROPOSED FINDINGS

Citizen Involvement

Through the various hearings and public meetings required for the annexation and re-zoning of the area under consideration, citizens will be afforded the opportunity to be involved in the planning process. Worked with citizens, 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. Notice advertising this hearing must be published 3 times in the local newspaper 50 to 15 days prior to the scheduled hearing. These hearings relate to the site specifics of the area. The comprehensive plan designates the area as urban residential reserve. 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

This plan conforms with the comprehensive plan for the entire City of Albany.

Agricultural Lands

All of the lands within this proposed zone change are within the city limits. The soils capabilities for agriculture as designated by the U.S. Department of Agriculture, Soil Conservation Service for this area are II, III, and IV.

Forest Lands

The lands within the subject property are not presently forested.

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 social

or religious groups with distinctive traits, beliefs and/or social forms residing within the proposed zone change. There will be open space areas provided in the total development.

Historic

There are no historic resources on the subject property.

Air, water and Land Resource Quality

The area proposed for zone change is intended to be placed in residential use. Any long terms sources of air pollution would be expected from automobiles or home heating systems. Short terms sources, such as dust and other particulates could be associated with construction and development of the area.

Albany has a level of air quality which meets both the current Environmental Quality standards. The development of this area is not envisioned to create any emissions which would threaten to violate the applicable air quality standards. Water quality would be enhanced with the development of this area.

The ground water situation in this area is similar to that of the Draperville area. However, since this area is on the Pacific Power and Light water system rather than individual wells, the pollution of the ground water will not occur^{as} in the Draperville area; city sewer is available.

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 zone change of this area would not have any adverse impact on existing noise levels within the area, except during construction. As the area is designated as urban residential and not industrial or commercial, one would not anticipate substantial noise pollution to be generated from this area once it is developed.

Air, land and water quality are monitored at several governmental levels. The Federal Environmental Protection Agency and the various divisions of the State Departmental 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

The State of Oregon Department of Geology and Mineral Industries Bulletin 84 ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY, OREGON, indicates that the area under consideration for zone change is composed of Quaternary Alluvium (QAL) and willamette Silts (QWS). Quaternary Alluvium is described as "a few tens of feet of gravel, sand, and silt along major streams, and thin veneers of silt and clay lining the smaller streams of the Willamette Valley. Hazards include flooding, stream meandering and siltation".

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 area prone to natural disasters which would preclude development in this area.

Recreational Needs

Near this proposed zone change there are currently 3 improved City parks; Grand Prairie, Periwinkle and Lehigh Park. The standard for out-door recreation area in Albany is one acre for each 100 population. The estimated developed population for this proposed zone change is approximately 125 persons.

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 racquet 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 re-zoning and development of this site will not adversely impact the economy of the State. 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 2½ 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 area's 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.

The projected development for this site will require from 1 to 2 years to complete. The area proposed for zone change contains approximately 4 acres of vacant land.

The Albany housing study projects that 55% of all new housing construction will be single family over the next decade. The remainder being either multiple family or mobile home dwellings. The most common single family zone in Albany is R-1 (6) requiring a 6,000 square foot minimum lot area. R-2 limited multiple family is allowed to develop to a density of 1 unit per 3,000 square feet. The average lot area in a mobile home park is required to be 3,000 square feet.

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 Northwest bell and Northwest Natural Gas), Federal programs and suptuary tax revenues on cigarettes and liquor. Franchise revenues are based on a percentage of each customers 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.

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 user 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 majority of this area is currently undeveloped. The existing residents of the area use the private automobile as their primary mode of transportation. As this area is within the City limits, these people are currently using the City's road transportation network. The zone change of this area would not, of itself, add any additional traffic to the system. Development, on the other hand, will add to the system. During the development stages, plans will incorporate the conceptual elements of the adopted collector/arterial street plan for this area which was adopted by the City Council in November of 1977.

The Albany Transit system is available off Waverly Drive, just 2 blocks away. Taxi service is also available to the area. There are currently no bikeways within the area nor any cohesive system of sidewalks.

The annexation and development of this area will allow for the development of a comprehensive transportation system. Sidewalks and roadways will be required as areas develop.

The neighborhood group on 28th street is cooperating with the developer in an ^{improvement} district for 28th and Center street, ~~with~~ ^{will} both be improved to city standards as the project is finished.

Energy

The proposed zone change is within the existing 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. Due to this area's location, future public facilities extensions would cost less, in terms of energy usage than would these extensions to areas further from the fringes 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 when compared with residential areas further away. This project should

make good use of mass transit system that runs down Waverly lane. This is amore energy efficient mode of transportation than the private automobile.

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

Urbanization

The area is within the city limits. Services are already in place and ready to accomodate this City project. The property has been developed on three sides, the fourth side is adjacent to I-5 freeway. This is a prime example of infilling rather than "leap frogging" urban sprawl.

Waverly drive, two blocks to the west of this re-zone, is a major arterial street which leads from this residential area to major Albany shopping.

ENVIRONMENTAL SETTING NATURAL RESOURCES

The property currently is being farmed for ryegrass. Linn County has an abundance of this type of agriculture and since this crop needs to have annual field burning (considering its close proximity to an adjacent development), its change to urbanization will enhance the environment. With development will come lawns, trees, and related vegetation which will upgrade the aesthetic qualities of the area.

Studies indicate no deposits of sand and gravel exist on this site.

This land does not support wildlife with the exception of small birds and rodents.

The proposed development will include a landscape plan for building permit approval. Said plan will exceed standards for the existing area.

OPEN SPACE

Said apartment project will provide it's own open space with lawn area and play areas for children.

WATER QUALITY

The project will be served with city water provided by P.P. & L. Run off water will flow to storm drainage adjacent to the site.

AIR QUALITY

The apartment use will create no adverse air pollution.

SOUND QUALITY

The apartment use will create no unreasonable noise within the area.

HAZARDS

Flooding. The site is not within the 100 year flood plain.

SPECIAL AREAS

Willamette Greenway. The site is not within the Greenway.

ECONOMIC DEVELOPMENT

The proposed project will provide jobs and revenues for the Albany community. The approximate value of the project is \$1.8 million. Hopefully this project could begin construction next spring, providing construction jobs in an area where unemployment (housing) is very high.

The wood products and construction industry is in a very depressed state. Very few jobs are available during these times. The approval of this zone change will enable the development to bring a 1.8 million dollar construction job next spring (May).

HOUSING

Currently there is no project of this type and funding in Albany. It will provide for the housing needs of Albany's low income and moderate income family citizens.

It will support regional fair share distribution of assisted housing for low income and moderate income people.

It should help the city's Housing Assistance Plan as required by H.U.D.

TRANSPORTATION

Streets. The site has access via 28th street which is a public way. We propose additionally for the improvement to city standard of 28th street past said site. Additionally Center Street from the south will be improved. This will more than meet the need for street travel to and from said site.

PUBLIC SERVICE AND FACILITIES

WATER SERVICE Adjacent to said site (city water provided by P. P. & L).

STORM DRAINAGE To alleviate any drainage problems, storm drainage and assessment districts has been formed. Our share is approximately \$53,000.

SEWEGE TREATMENT Adjacent to said site (city).

SOLID WASTE Garbage service is available.

POLICE AND FIRE PROTECTION SERVICES, City of Albany, Fire and Police service is available.

EDUCATION The site is within the Greater Albany Public School District (GAPS)

SOCIAL AMENITIES

PARKS AND RECREATION: The site is close to existing city parks and will provide its own playground facilities for children.

GROWTH MANAGEMENT PROCESS

The property is within the city limit and with most housing starts down, will provide a timely needed project, both for citizen housing and economic needs.

DIRECTING GROWTH. The proposal is within the city limits and has the necessary utility services.

DEVELOPMENT REVIEW

This zone change is but the first step toward approval. We, the applicant, will submit all necessary review steps.

ENERGY CONSERVATION

The latest conservation standards will be designed in this project where economically feasible.

PUBLIC INVOLVEMENT

Local citizens, affected groups and agencies are involved in the planning process.

A tract of land in Section 16 of Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon that is more particularly described as follows:

Beginning at a 5/8 inch rod on the West line of said Section 16 that is $N0^{\circ}23'30''W$ 280.01 feet from the West one-quarter (W1/4) corner of said Section 16; thence $S89^{\circ}58'55''E$ 506.81 feet to a 5/8 inch rod; thence along the arc of a 4620.00 foot radius curve to the left (chord bears $N0^{\circ}23'54''W$ 288.41 feet) a distance of 288.46 feet to a 5/8 inch rod; thence along the arc of a 10.00 foot radius curve to the left (chord bears $N44^{\circ}34'46''W$ 13.48 feet) a distance of 14.80 feet to a 5/8 inch rod; thence along the arc of a 3625.00 foot radius curve to the left (chord bears $N89^{\circ}31'58''W$ 323.90 feet) a distance of 324.01 feet to a 5/8 inch rod; thence along the arc of a 75.00 foot radius curve to the left (chord bears $S70^{\circ}35'45''W$ 44.63 feet) a distance of 45.32 feet to a 5/8 inch rod; thence along the arc of a 225.00 foot radius curve to the right (chord bears $S71^{\circ}11'43''W$ 138.39 feet) a distance of 140.67 feet to a 5/8 inch rod on the east line of FIRST ADDITION TO KENWOOD SUBDIVISION, a subdivision of record in Linn County, Oregon which point is on the West line of said Section 16; thence $S0^{\circ}23'30''E$ 241.06 feet to the place of beginning. Containing 3.37 acres of land, more or less.

8/27/81