

ORDINANCE NO. 4496

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 4.40 ACRES OF PROPERTY LOCATED AT THE NORTHEAST CORNER OF GOLD FISH FARM ROAD AND SANTIAM HIGHWAY AND COMMONLY KNOWN AS 1259 GOLD FISH FARM ROAD, 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. 4494 adopted on the 14th day of April, 1982, dispenses 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 28th day of April, 1982, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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 has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

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

Section 1: The following described property to-wit: 11-3W-10, TL 500 and 501 (see attached legal description) is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as Heavy Commercial (CH).

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: After the effective date of this ordinance, the City Recorder shall submit to the Secretary of State of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this ordinance, a copy of Ordinance No. 4494, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

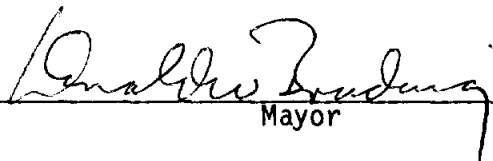
Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: April 28, 1982

Approved by the Mayor: April 28, 1982

Effective Date of this Ordinance: May 28, 1982

Effective Date of this Annexation: May 19, 1982
(date filed with Oregon Secretary of State)



Mayor

ATTEST:



City Recorder

City limits legal metes and bounds for James D. and Gayle Haring Annexation A-4-82

All land lying within the boundaries of the public road as described herein:






That portion of the Right-of-Way of Linn County Road No. 328 (Goldfish Farm Road) as described as follows:

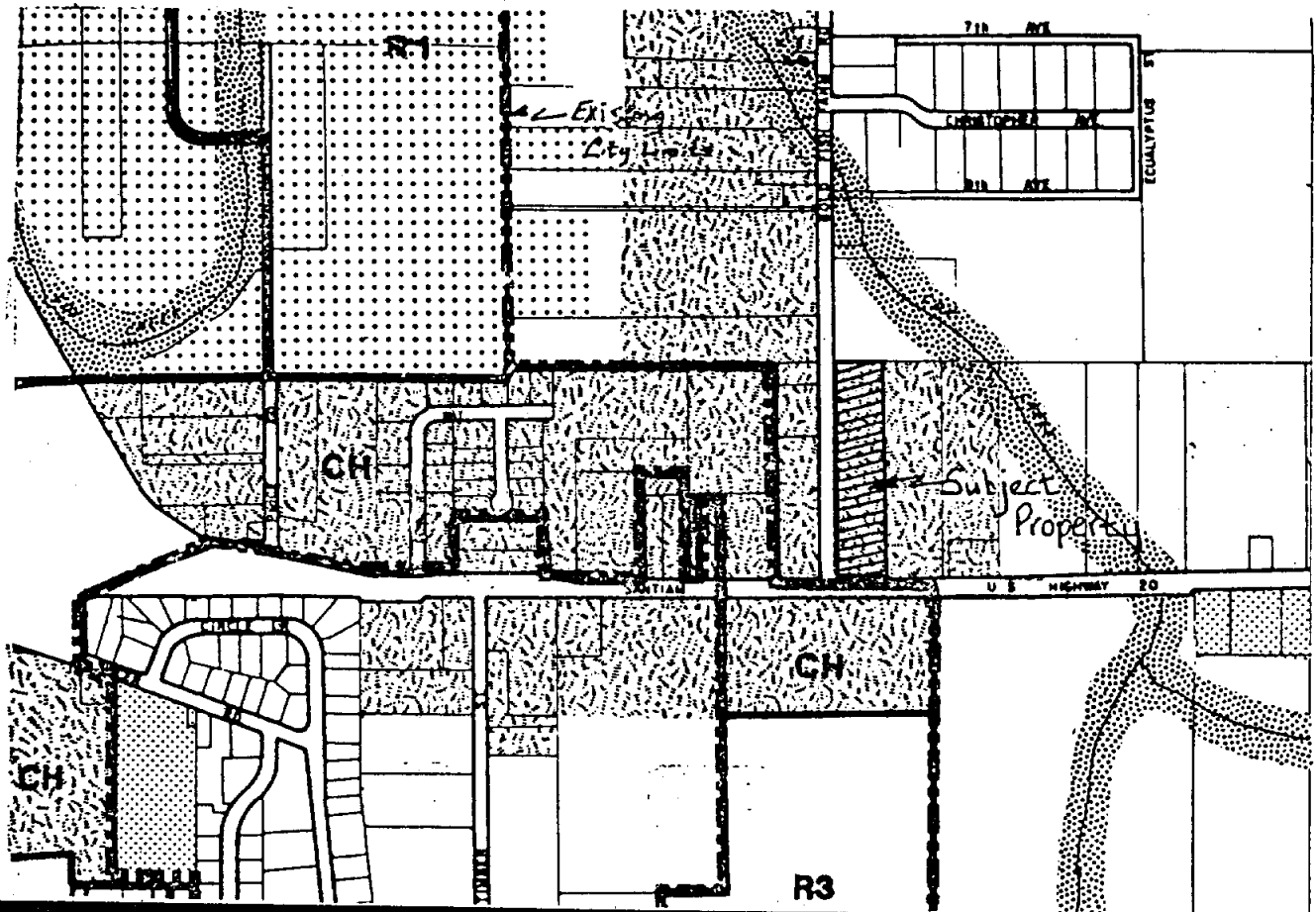
Beginning at the Southwest Corner of the Hugh Nickerson D. L. C. No. 39, in Section 10, T. 11S., R. 3W., W.M., Linn County, Oregon; and running thence N $89^{\circ}58'30''$ E 25.00 ft.; thence South 905.88 ft. to the North Right-of-Way line of U. S. Highway 20 (Santiam Highway); thence S $89^{\circ}58'30''$ W 25.00 feet; thence North 905.88 feet to the Point of Beginning AND ALSO

Beginning at the Southwest corner of the Donation Land Claim of H. Nickerson, Not. No. 708, Claim No. 39 in Sections 3 and 10, in Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, the same being in the center of a county road; running thence East on the South boundary line of said Donation Land Claim 3.60 chains; thence South 13.88 chains to the center of a county road and to the North boundary line of the Donation Land Claim of E. H. White, Not. No. 694, and Claim No. 48, in said Township and Range; thence West 3.60 chains to the center of an intersecting county road at a point due South of the place of beginning; thence North 13.88 chains to the place of beginning.

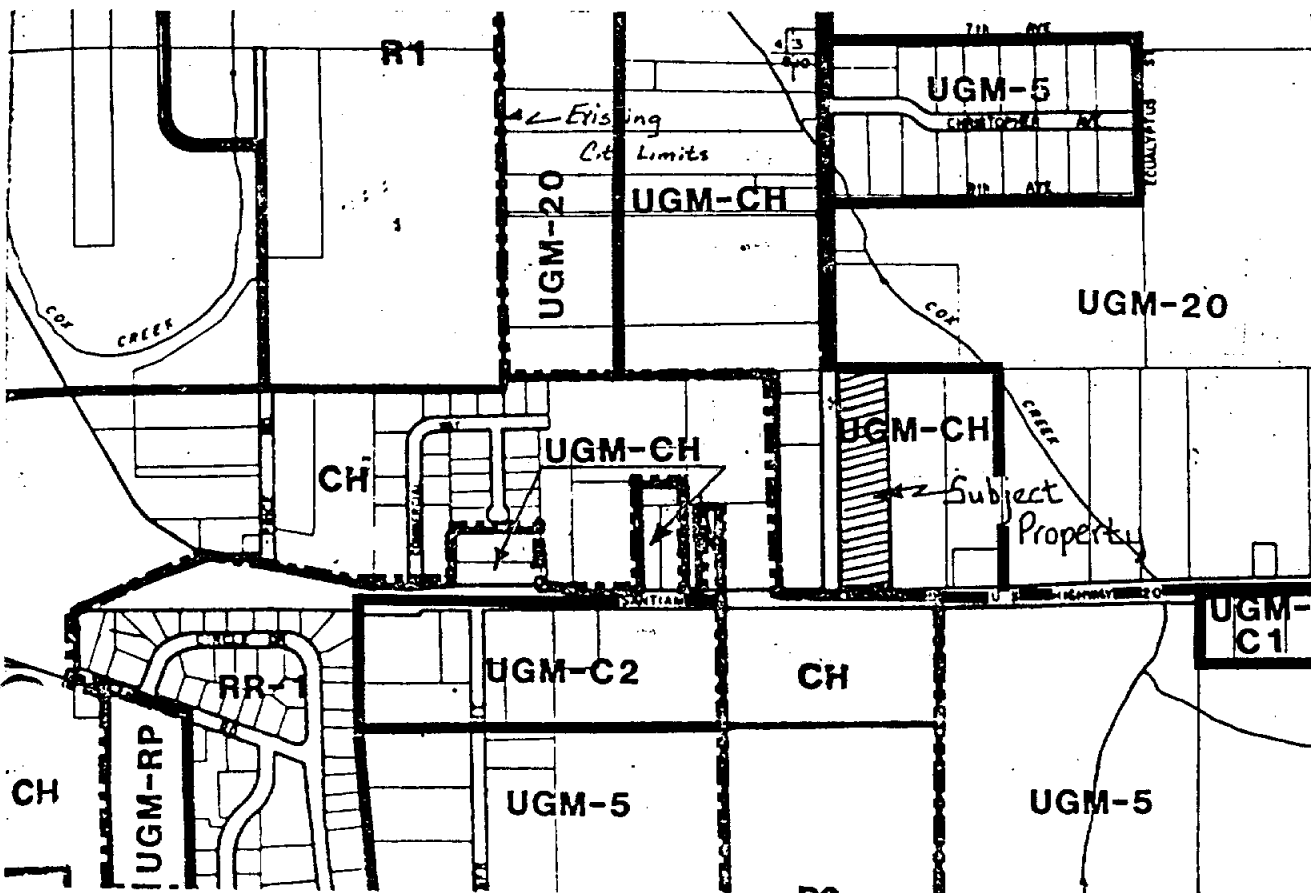
COMPREHENSIVE PLAN DESIGNATIONS - Exhibit 'A'

LEGEND:

-  Light Commercial
-  General Commercial
-  Urban Residential Reserve
-  Public Facilities
-  Open Space



EXISTING ZONING - Exhibit 'B'



LEGEND:

- R1: Low Density Residential
- R3: Multiple Family
- CH: Heavy Commercial
- RR-1: Rural Residential One-Acre min.
- UGM-5: Urban Growth Management 5-Acre min.
- UGM-20: Urban Growth Management 20-acre Min.
- Overlay Districts:
 - UGM-RP
 - UGM-C2
 - UGM-CH

Conformance with the Adopted Comprehensive Plan - Adopted December 17, 1980

The proposed Annexation is in conformance with the Albany Comprehensive Plan Map and Plan Policies.

The subject property proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany and is included within the recognized Urban Growth Boundary adopted by the City and by Linn County.

The existing (and potentially increased) commercial development of the subject property is (and will be) in conformance with the designation indicated on the Comprehensive Plan Map.

1. Urban Growth Policies

Annexation of the subject property will conform to the Urban Growth Policies:

- (a) The subject property is within the locally adopted Urban Growth Boundary.
- (b) The annexation will be an incremental step in extending the City Limits to the UGB.
- (c) The subject property is partially developed and has been committed to an urban use.

2. Growth Management Policies

Annexation of the subject property will conform to the Growth Management Policies as the annexation will encourage future urbanization of the lot to city standards.

3. Development Policies

When the subject property is annexed it will be rezoned to the appropriate commercial zone in order to be in compliance with the Comprehensive Plan designation of the property. Any future development or modifications to the existing use of the site, will require site plan review, to assure that development occurs to City Standards.

4. Annexation Policies

Annexation of the subject property is a logical extension of the City Boundary and service area.

Annexation of the subject property will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing city services to other portions of the City. The applicants have indicated their willingness to sign letters for waivers of remonstrance for improvements to street and utilities. Intensification of the commercial development of the site which would

require City Services, i.e., sewer or storm drainage may not occur until such facilities are available to the property.

State Land Use Goals:

In order to approve an annexation prior to acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission (LCDC), it must be found to be in conformance with all of the applicable LCDC goals.

The annexation is in conformance with the following goals:

1. Goal One - Citizen Involvement

The Comprehensive Plan and Urban Growth Boundaries were developed in cooperation with the City and County Planning Commissions and governing bodies. The City of Albany Plan was also coordinated with development of the Linn County Plan.

2. Goal Two - Land Use Planning

The annexation is in conformance with the Albany Comprehensive Plan that was adopted by the City and County and the Urban Growth Policies Agreement, a document adopted by Albany and Linn County that specifies the provision of services and annexation procedures.

3. Goal Three - Agricultural Lands

The subject property exhibits agricultural soils. However, because of the extent of urban development which has occurred in the area, it is the City's position that the area is committed to urban use and therefore unsuitable for agricultural use. Accordingly, the annexation of the subject property will not constitute a violation of Goal 3.

4. Goal Five - Open Space, Scenic and Historical Areas, and Natural Resources

The Albany Comprehensive Plan does not identify any of the subject property as open space. However, Cox Creek which lies to the east of the subject property approximately 400 feet at its closest point and 1000 feet at its farthest point is designated as open space on the Comprehensive Plan. The subject property lies within the floodplain of Cox Creek.

5. Goal Seven - Areas Subject to Natural Disasters and Hazards

There are no geological hazards identified on the subject property in the Comprehensive Plan.

6. Goal Eleven - Public Facilities and Service

Annexation of the subject property will provide for the efficient extension of sewer and water facilities to serve that area within the present City Limits and lying east of Commercial Way.

7. Goal Fourteen - Urbanization

The annexation of the subject property will assure the orderly conversion of an urbanizable parcel of land which has been partially committed to an urban use.

CONCLUSIONS:

1. Annexation of the subject parcel is a logical extension of the City Boundary and will provide for coordinated planning efforts for extensions of utilities and street improvements.
2. The subject property is within the Albany Urban Growth Boundary.
3. Annexation of the subject property is in conformance with the Albany Comprehensive Plan.
4. Annexation of the subject property is in conformance with the State-wide Land Use Goals.
5. The proposed zoning designation of CH (Heavy Commercial) is in conformance with the Albany Comprehensive Plan.
6. The existing commercial development on the site does not require urban services at this time.
7. The conflicts between the City and County applications of development standards and requirements for this area will be eliminated through Annexation.

PLANNING COMMISSION RECOMMENDATION:

At its meeting on April 5, 1982, the Planning Commission recommended annexation and CH (Heavy Commercial) zoning to the City Council based on the findings and conditions as outlined in the staff report dated April 5, 1982.

1. The applicant dedicate a 5-foot strip adjacent to Goldfish Farm Road to the City of Albany for roadway purposes.
2. The applicant dedicate a 70 foot drainage easement to the City of Albany adjacent to the north property line.
3. The applicant sign a waiver of remonstrance for sewer and storm drainage facilities and a petition for improvements to Goldfish Farm Road.
4. The applicant extend water services to the subject property prior to extensive development to the property.

* Conditions 1 - 3 have already been met and the fourth involves development stage.