

ORDINANCE NO. 4673

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 7.91 ACRES OF PROPERTY LOCATED AT 1010 GOLDFISH 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. 4672 adopted on the 27th day of February, 1985 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 13th day of March, 1985, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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:

(See attachment)

is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned CH, Heavy Commercial.

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. 4672 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: March 13, 1985

Approved by the Mayor: March 15, 1985

Effective Date of this Ordinance: April 12, 1985

Effective Date of this Annexation: April 12, 1985
(date filed with Oregon Secretary of State)

Tom Holman
Mayor

ATTEST:

W. J. Jolley
City Recorder

DESCRIPTION SHEET

See page 1 for vesting and encumbrances, if any.

Description of the tract of land which is the subject of this report:

The following described real property situated in the County of Linn and State of Oregon, to-wit:

Beginning 9.03 chains North of the Southwest corner of the Donation Land Claim of Hugh Nickerson and wife, Notification No. 708, Claim No. 39, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence West 20 chains; thence South 6.53 chains; thence East 20 chains; thence North 6.53 chains to the place of beginning. EXCEPT the West 500 feet of even width thereof.-----

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is based upon population. However, since population is only one criteria for both of these Revenue Sharing programs, it is not possible to determine the impact.

Availability of Urban Services:

1. Sewer: Sewer is available to the property via an existing 12-inch line in Price Road which is proposed to be extended to the site at the developer's cost.
2. Water: Water is not presently available to the subject property unless extended from Highway 20 to the south. The developers propose to obtain service from an on-site well subject to State Health Department approval. However, the Fire Department has indicated a concern regarding meeting adequate fire flow requirements of the City.
3. Police: The Albany Police Department will be able to provide service to the area with no appreciable increase in costs at this time.
4. Fire: The Albany Fire Department reports that the subject property is within the proper running distance for first due Engine Company response; however, the lack of fire hydrants on or near the site would be a limiting factor to adequate fire protection unless water mains are extended to the site.

FINDINGS

Conformance With The Adopted Comprehensive Plan

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

The 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 Linn County.

The proposed RV park use of the subject property is (and will be) in conformance with the commercial designation indicated on the Comprehensive Plan Map.

1. Urban Growth Policies

- (a) The subject property is within the locally adopted Urban Growth Boundary.
- (b) The annexation of the property will be an incremental step in extending the City limits to the Urban Growth Boundary.
- (c) The annexation is a logical and efficient extension of the City limits boundaries to facilitate the functional and economic provision of services.
- (d) The subject property is partially developed and has been committed to

commercial development.

2. Growth Management

Annexation of the subject property will conform to the Growth Management Policies as the proposed annexation will encourage the urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed service and facilities and will assure that any further development of the subject property will be to City standards.

3. Development Policies

When the subject property is annexed, it will be rezoned to Heavy Commercial and will be in compliance with the Comprehensive Plan designation for the property. Any future developments or modifications to the existing structures must occur to City standards.

4. Annexation Policies

(a) Annexation of the subject property is a logical extension of the City boundary and service area.

(b) 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.

Annexation Criteria

Any annexation proposal considered under a Type IV procedure must be demonstrated to be in conformance with the following criteria:

1. The proposed annexation is within the Urban Growth Boundary and is a logical and efficient extension of the City limit boundaries.

"Fact: The proposed annexation is within the UGB as shown on the City's Comprehensive Plan of September 10, 1982.

2. The proposed annexation will facilitate the functional and economic provision of services within the Urban Growth Boundary without seriously impairing City services to existing portions of the City.

"Fact:

(1) Storm drains will be constructed on site and will be directed to natural receiving stream.

(2) Sanitary waste disposal will be handled by extension of a sanitary sewer from Price Road to the west.

(3) As a condition of Site Plan Approval, the property owner may be required

to participate in future public improvements which will service a larger area such as improvements to Goldfish Farm Road, extension of water service, and drainage improvements.

- (4) By allowing this property to be developed it will provide greater assessed value which, in turn, will allow for more improvements.

CONCLUSIONS:

1. Annexation of the subject property is a logical extension of the City boundary and will provide for coordinated planning efforts for extension of streets and utilities.
2. The subject property is within the Urban Growth Boundary.
3. Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
4. The proposed zoning designation of CH, Heavy Commercial, is in conformance with the acknowledged Albany Comprehensive Plan and is consistent with surrounding land uses and designations.
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
6. Urban services can be extended to the subject property without adversely affecting other properties within the City.
7. Development standards for building the proposed recreational vehicle (RV) park will be reviewed under the City's Site Plan Review process.

PLANNING COMMISSION RECOMMENDATION:

At its regular meeting held on February 4, 1985, the Albany Planning Commission moved to recommend annexation and CH, Heavy Commercial zoning of the subject property based on the facts and conclusions outlined in the staff report.