



PUBLIC WORKS - COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

ANNEXATION

Checklist & Review Criteria

Information and Instructions

- See fee schedule for filing fees (*subject to change every July 1*): staff will contact you for payment after submittal.
 - If the property has a home with a failing septic system or inadequate well, City services are needed to alleviate the hardship, and you propose to annex only the house and an urban-sized home site
 - If you are requesting an initial determination of timeliness by the City Council (to be credited to additional application fee)
 - If the property is eligible for annexation and it is timely to annex, but no development agreement is warranted (e.g., infill or enclaves)
 - When the City Council approves or authorizes an election, you must pay to cover the City's administrative costs to set the election and complete the annexation process Election Deposit: Annexations for non-primary or non-general election ballots. If the City Council approves or authorizes an election, you must pay the City an amount equivalent to 110 percent of the Finance Director's estimate for election costs. The City will hold the fee in an escrow account and refund to you after the election the amount not needed to pay actual election costs.
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to eplans@cityofalbany.net. Please call 541-917-7550 if you need assistance.
- Depending on the complexity of the project, paper copies of the application may be required.
- Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

ANNEXATION SUBMITTAL CHECKLIST

PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES

- REVIEW CRITERIA** The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

ELIGIBILITY CRITERIA (ADC 2.110). The City shall determine that property is eligible for annexation based on the following criteria:

- (a) The property is contiguous to the existing city limits; and
- (b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.

Provide a legal description of the property and a map of the area to be annexed showing contiguous City territory and the existing Urban Growth Boundary.

TIMELINESS CRITERIA. The City shall determine that it is timely to annex property based on the following criteria:

- (a) An adequate level of urban services and infrastructure is available or will be made available in a timely manner.
- (b) As used in this section:
 - i. “Adequate level” means conforms to adopted plans and ordinances.
 - ii. “Urban services” means police, fire, and other City-provided services.
 - iii. “Infrastructure” means sanitary sewer, water, storm drainage, and streets.
 - iv. “Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or another funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.

Planning Criteria. The City shall determine that adequate planning has occurred based on the following criterion:

Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed so that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Reasonableness Criteria. The City shall determine that it is reasonable to annex the property.

SITE PLAN

- Current address (if any), section, township, range, and legal description sufficient to define the location and boundaries of the proposed annexation
- Names and addresses of the owner(s), developer(s), surveyor, and engineer, when applicable
- Date map was drafted and north arrow

- The scale of the map. (Use one inch equals 20 feet, unless otherwise approved by Planning staff. For parcels over 100 acres, use one inch equals 100 feet.)
- Total gross and net land areas of the entire site. (“Net” is minus the square footage of any land proposed for dedication to the public, not including easements.)
- Label and show the area in square feet of any land to be dedicated to the public; including purpose.
- Label and show the lengths of all *existing* and *proposed* property lines.
- Label and show the approximate dimensions, net square footage, and proposed identification number for each lot/parcel.
- Label and show all existing driveways, structures, wells, septic tanks and drain fields, and distances between them and the existing and proposed property lines and each other. Indicate if any are to be moved or removed.
- Label and show the locations of all public improvements (e.g., streets, sidewalks, and utilities) to be constructed as part of the development of the site.
- Label and show the locations and sizes of all *existing* and *proposed* public utility mains; private service lines from the main to the lots/parcels; culverts, ditches, and drain pipes, including those on site and within adjacent rights-of-way. Include invert elevations of sanitary and storm sewer lines.
- Label and show the locations, widths, and names of all *existing* or *platted* adjacent public streets, alleys, sidewalks, planter strips, curbs, and other public rights-of-way or uses.
- Label and show the locations, widths, names, approximate radii or curves, and the relationship of all existing streets to any proposed streets shown on this plan or any plan approved by the City.
- Label and show the locations, widths, ownership, and purpose of all *existing* and *proposed* easements.
- Label and show *existing* and *proposed* contour (topography) lines drawn at the following intervals:
 - a) One-foot intervals for ground slopes less than five percent
 - b) Two-foot intervals for ground slopes between five and ten percent
 - c) Five-foot intervals for ground slopes exceeding ten percent
 (Indicate the elevations of all control points used to determine the contours. Contours must be related to City of Albany data. See the Engineering Division for data.)

Additional map needs. The following may not apply to every site. If an item does apply, show the information on the map, and check the box. Write “NA” in the box if the item does not apply to this proposal and attach a short explanation.

- Label and show the width, direction, and flow of all watercourses on the site
 - Label and show areas within the 100-year floodplain and other areas subject to natural flooding or ponding: state the base flood elevation (BFE); label and show the floodplain boundary on the map.
 - Label and show the boundaries of all jurisdictional wetlands. Sources: Plate 6 of the Comprehensive Plan, the National Wetland Inventory, and local wetland maps. Land not on these maps still may contain wetlands.
 - Label and show the locations of all natural features, such as rock outcroppings, marshes, wooded areas, and trees larger than 25 inches in circumference measured 4-1/2 feet above mean ground level from the base of the trunk. If trees are to be disturbed or removed from the site, indicate which areas will be affected. Is this site shown on Plate 3 of the Comprehensive Plan?
- LOCAL STREET PLAN.** Show how the property can be developed so as to connect to the existing local street network and extend the network to show the best connection possible.

- **VICINITY INFORMATION.** Submit one copy of a map that clearly identifies the subject property in relationship to surrounding properties and streets.
If the Site Map does not have room, you may submit one copy of a separate “vicinity” map at a scale of one inch equals 400 feet that shows the following information:
 - Current zoning and location of structures on adjacent properties
 - All existing subdivisions, streets, and tract lines of parcels immediately adjoining the site
 - How existing and proposed streets and alleys may connect with those in adjacent properties with best results for the neighborhood. Show how public utilities may be extended into adjacent properties with development potential. Check the City Transportation Master Plan for future street patterns.
- **LEGAL DESCRIPTION.** Oregon Revised Statutes (ORS) 308.225 requires that you submit a closing metes and bounds description or subdivision block and lot number description. In order to meet deadlines, you must submit such a description, certified accurate by a registered surveyor or engineer, to the City of Albany Planning Division at least 30 days before the scheduled public hearing.

Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City’s land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.

ANNEXATION PURPOSE AND PROCEDURE

Purpose (2.090) Annexation is the first step in converting land in the Albany Urban Growth Boundary to urban land. Annexation and subsequent development may provide economic and social benefits to the City of Albany through the creation of housing; business and commercial enterprise; creation of construction and permanent jobs; and expansion of the City’s tax base. When annexations are properly timed, they allow for orderly expansion of City boundaries and contribute to logical extensions of public infrastructure. An ill-conceived annexation may impose burdens on the community that could outweigh the benefits. An annexation application must meet the quasi-judicial and legislative requirements of this Code and state law.

Procedure (2.095) Annexation applications are reviewed as a Type IV procedure. If the Albany City Council determines the application meets the review criteria, the annexation will be set for a citywide vote. Annexation shall only be approved by a majority vote of the electorate. Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.