

ORDINANCE NO. 4232

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TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 56 ACRES OF PROPERTY LOCATED AT THE WEST END OF 53RD AVENUE - FORMER DUMP GROUND PROPERTY - AS R-1(6) SINGLE FAMILY RESIDENTIAL AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT AND DECLARING AN EMERGENCY.

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. 4223 adopted on the 13th day of December, 1978, dispense 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 27th day of December, 1978, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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 finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they are hereby adopted as findings of the Council; now, therefor,

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

Section 1: The following described property to-wit:

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be, annexed to the City of Albany, Oregon, and zoned as R-1(6).

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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: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4223, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

Section 4: Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area to be annexed it is effective and an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

Passed by the Council: December 27, 1978

Approved by the Mayor: December 27, 1978

Effective Date: December 27, 1978



Mayor

ATTEST:



Deputy City Recorder

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Staff Report

November 6, 1978
November 20, 1978
December 27, 1978

PUBLIC HEARING - CONSENT ANNEXATION REQUEST

City of Albany (Journal No. A-18-78)

Location: West end of 53rd Avenue (former Dump Ground Property)
Assessor's Parcel Map 11-4W-24, Tax Lot 500 and 624)
Area: Approximately 60 acres
Present Use of Property: Vacant
School Districts: McFarland Elementary and 8J
Requested Zoning: R-1(6) Single Family Residential

This consent annexation involves approximately 60 acres of land located at the west end of 53rd Avenue adjacent to the Calapooia River. The property is owned by the City of Albany and was the former dump ground site. However, in addition to the City owned property approximately two acres have been included which are part of a negotiated trade between the City and Mr. Ron Loeks. The City traded Mr. Loek's the two acre parcel within the dump ground site for a long and narrow strip along 53rd Avenue; however, that transaction at this writing had not been formally completed. Therefore, at Mr. Loek's consent, both parcels were included in this annexation request to minimize confusion and need for future annexations of the two parcels.

This request was actually initiated by the McFarland School District and authorized by the City Council on October 25, 1978. The School District desires to construct a K-3 Elementary School on twelve acres they intend to purchase from the City within the site. In addition, the City has plans to sell a 170 foot strip of land along the west boundary of the property to permit development of a street and row of single family lots up to the flood plain boundary. This could allow approximately 11 single family lots. Sanitary sewer and water supply will have to be extended to the school site from the Valley Villa site several hundred feet to the east. McFarland School District recognizes that as the initial developers they will be responsible for extending and paying for these services but that they may be reimbursed as property along the way develops in the future. The remainder of the property in question (approximately 45 acres) consists of flood plain and the sanitary land fill. The anticipated usage of this area is for future park and open space development.

As the principal landowner in this request, the City is responsible for making the necessary factual findings. Therefore, the staff has proposed the following findings for the Council's consideration:

Compliance with the Comprehensive Plan

The City of Albany Comprehensive Land Use Plan designates this area as Urban Residential and for Recreation and Open Space (along the Calapooia River). Each of the proposed uses comply with these designations and promote the objectives and goals of the Comprehensive Plan. In addition, the Plan recommends development of joint school-park sites with which

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this request complies.

Public Need for the Requested Annexation and Zoning

This area of the community has grown significantly in the past few years without an increase in school or park facilities. McFarland School District is presently in serious need of a new school to provide adequate classroom space for the large number of new students being generated from the growth of the southwest area. As the school is built there will also be a high demand for additional residential development in the immediate vicinity with the school and park serving as a focal point for the establishment of a new neighborhood.

This Property Best Meets the Public Need

The McFarland School District conducted a thorough search, with the help of a consultant, to locate an appropriate site for a new school within their District. This site was found to best meet that need after a complete evaluation of land and development costs, potential residential development surrounding the site, and possibility of developing a joint school-park facility. With the extension of necessary utility services, the area will also meet the need for residential development and help ease the pressure for residential development in other areas of the community which are having a more difficult time coping with growth.

Compliance with LCDC Goals and Guidelines

- (1) Citizens Participation - Effective citizens participation is assured in this process through the notice and public hearing requirements of the City of Albany. In addition, much citizen involvement was utilized in the formulation of the present Comprehensive Plan. Further, citizen input will be encouraged as development proposals come before the Planning Commission for this area.
- (2) Land Use Planning - This annexation proposal is in full compliance with present Comprehensive Land Use Plan. In addition, a continuing effort will be made to take into account all land use planning issues and need for application of sound land use planning practices when developing this property.
- (3) Agricultural Lands - This land consists of Class II and III soils much of which consists of fill material and is unsuitable for agricultural production. In addition, the land is within the Preliminary Urban Growth Boundary, adjacent to the City limits, and as shown earlier, is in demand for the anticipated usages. Most of the area will be retained in open space usage.
- (4) Forest Lands - The wooded area along the Calapooia River will be retained in its natural state for watershed protection and protection of existing wildlife.

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- (5) Open Spaces, Scenic and Historic Areas, and Natural Resources - Most of the property will be retained in public ownership for use as open space and protection of the natural and scenic areas along the Calapooia River. Any natural resources within this property will be protected and preserved as the planning process continues for development of this area. The property has no known aggregate or mineral resources or known significant historic value.
- (6) Air, Water and Land Resources Quality - The provision of sanitary sewer service to this area and the design of city standard storm drainage systems will ensure the protection of water quality. The development of this property will have no significant impact on air quality.
- (7) Areas Subject to Natural Disasters and Hazards - Portions of the area are subject to flooding along the Calapooia River; however, no development other than possible open space and recreation opportunity are planned for the established flood plain portions of the property. All necessary actions will be taken in accordance with the City of Albany Flood Plain Regulations to ensure protection of developed areas from potential flooding.
- (8) Recreation - The future development of much of this property for open space and recreation purposes will satisfy a need of the entire southwest part of Albany for parks and recreation facilities. This property offers a unique opportunity for open space and park land development due to its natural features and location in a developing area.
- (9) Economy of the State - The annexation and zoning of this area will have little impact on the local or regional economy other than through the construction of a school and a few residences and the employment opportunities created by the school.
- (10) Housing - As has been established earlier, there will be a public need for housing in this area which will only be partially met within this parcel and subsequent private development of single family homes. However, much additional land is designated in this area for future urban residential development which should satisfy the need for all housing types.
- (11) Public Facilities and Services - This annexation is necessary to provide a much needed public facility in the proposed elementary school. In addition, all other municipal services will be extended to the property and ensure its proper development with the full range of public facilities and services.
- (12) Transportation - The area is served by only one street at the present time (53rd Avenue) which has recently been improved by the County. Future development in the area will necessitate a complete street network which will be a future planning consideration. Consideration will also be given to providing bicycle

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paths and mass transit service within the area as future plans are developed.

- (13) Energy Conservation - The neighborhood school-park concept promotes energy conservation through reduction of transportation costs. Consideration will be given in the development of the area to energy conservation techniques in building construction and layout.
- (14) Urbanization - The properties are located within the established and publicly recognized Preliminary Urban Growth Boundary which was designed with the Urbanization Goal criteria as a primary guide.

Goals 15, 16, 17, 18, and 19 are not applicable.

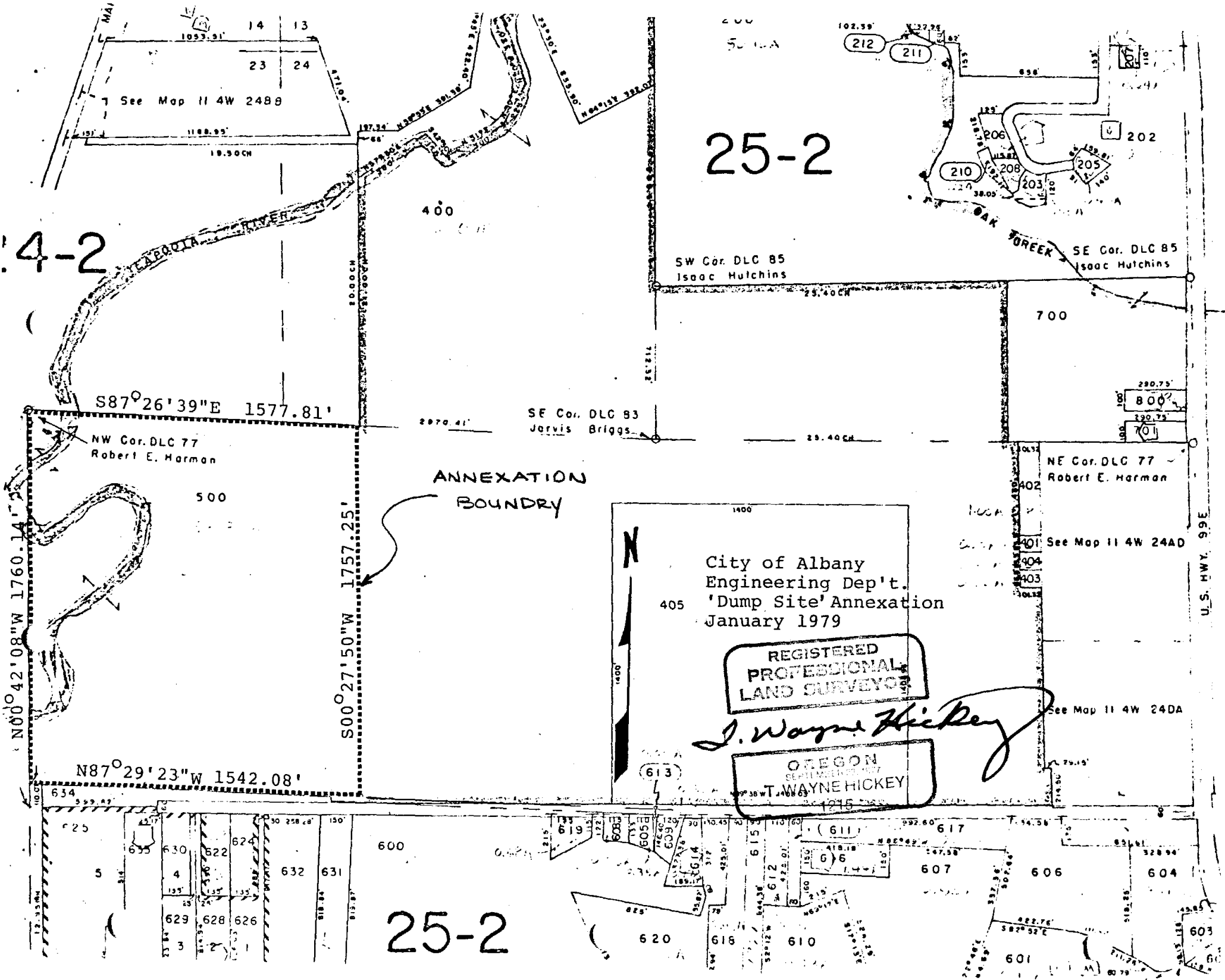
At their November 20th meeting, the Planning Commission recommended that annexation and R-1(6) zoning be granted based upon the staff's findings enumerated above.

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City of Albany
Engineering Dep't.
'Dump Site' Annexation
January 1979

Beginning at the northwest corner of the Robert E. Harman

D.L.C. #77; thence

S $87^{\circ}26'39''$ E 1577.81'; thence

S $00^{\circ}27'50''$ W 1757.25'; thence

N $87^{\circ}29'23''$ W 1542.08'; thence

N $00^{\circ}42'08''$ W 1760.14' to the point of beginning.