

ORDINANCE NO. 4267

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 5.5 ACRES OF PROPERTY LOCATED EAST OF INTERSTATE 5 AND SOUTH OF FAR WEST TRUCK SALES AS M-1 LIMITED INDUSTRIAL ZONING 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. 4261 adopted on the 28th day of March, 1979, 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 11th day of April, 1979, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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, therefore,

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

Section 1: The following described property to-wit:

Assessor's Parcel Map 11-3W- 9C Tax Lot 602

(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 M-1 Limited Industrial.

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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. 4261, 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: April 11, 1979

Approved by the Mayor: April 11, 1979

Effective Date: April 11, 1979

Richard S. Olsen
Mayor

ATTEST:

Hillalany
City Recorder

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Staff Report

Hearing Date: March 5, 1979 (PC)
April 11, 1979 (CC)

V. PUBLIC HEARING - CONSENT ANNEXATION REQUEST

A. First Far West Corp. (Richard Dalke) (A-1-79)

Requests consent annexation and M-1 Limited Industrial zoning for property east of Interstate 5 and south of White Truck Sales property containing approximately 5.5 acres. (Assessor's Parcel Map 11-3W-9C, TL 602).

This consent annexation and M-1 zoning request involves 5.5 acres adjacent and to the east of I-5, south of Santiam Highway. The property is contiguous to the City limits on its north and east sides and the City land adjacent to it is zoned M-1. The site is currently vacant and used for grass seed farming.

The City and County staffs have reviewed the request and have the following findings:

1. The findings submitted by the applicant adequately demonstrate Compliance with the Comprehensive Plan and LCDC Goals and Guidelines.
2. The findings adequately demonstrate a public need for the requested M-1 zoning in that there is a limited amount of industrially zoned land in the City.
3. This property has locational and physical characteristics which make it well suited for limited industrial development.
4. Annexation of this parcel would allow the City to provide the site with sanitary sewer service.

At their March 5th meeting the Planning Commission voted unanimously to recommend to the City Council that this annexation and M-1 Limited Industrial zoning request be approved based upon the findings as enumerated above and as supplemented by the applicant (see attached).

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FAR WEST ANNEXATION APPLICATION

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SECTION C

1. The proposed annexation is consistent with the current comprehensive plan.
2. The area proposed for annexation is now zoned L-1 (light industrial). The property is adjacent to I-5 freeway and otherwise surrounded by industrial zoning and industrial uses. Any other zone would be inconsistent with existing and proposed land uses.

The areas along Spicer Road and Three Lakes Road are now developing as light industrial and showing the need for this use.

The annexation is necessary to provide the owner with proper facilities to dispose of wastewater. The lift station for sanitary sewers has been constructed to serve Lawndale which is immediately adjacent on the East. Only minor construction of laterals will be required for the improvement of this project.

3. Compliance with L.C.D.C. goals and guidelines:
 - A. Citizen Involvement: Citizens have been involved in the proposed comprehensive plan
 - B. Land Use Planning
 - 1) Complies with existing and proposed Comprehensive Plan
 - 2) Complies with Statewide planning goals
 - C. Agricultural Lands: Land is now used for grass seed farming.
 - 1) Soils are not suitable for high type agricultural land as they are heavy clays, poorly drained with standing water over a portion.
 - D. Forest: Land is not suitable for timber production.
 - E. Open Space:
 - 1) Park land fee will be donated at time of subdividing land. Size of parcel does not lend itself to development of extensive open space.
 - F. Air Water and Land Resources Quality:
 - 1) Air quality will not be affected.
 - 2) Drainage facilities will be constructed as a part of the public improvements. Including a detention system to reduce peak runoffs.

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G. Areas Subject to Natural Disasters and Hazards:

- 1) There will be minimal risk of flooding. If any, just localized ponding.
- 2) The property containing no features that would be subject to natural disasters, i.e. slides, etc.

H. Recreational Needs:

- 1) There is no recreational use of any portion of the property.
- 2) No recreational development of the property is proposed.

I. Economy of the State:

- 1) The annexation will provide industrial sites that will allow industrial expansion of this area thereby creating jobs.
- 2) Construction of the above will provide jobs for manufacturing of buildings, construction of buildings, etc.
- 3) The annexation will help the economy of the State.

J. Housing:

- 1) The area will not provide for housing.

K. Public Facilities:

- 1) A sanitary sewer lateral will be necessary to serve this property connecting into the system being constructed for Lawndale.
- 2) Storm drain detention facilities will be constructed to restrict peak runoffs thereby minimizing the impact on downstream storm drains and culverts.
- 3) A street will be necessary to provide access.

L. Transportation:

- 1) The proposed annexation is located adjacent to I-5 freeway within close access to Highway 20 and the freeway interchange.

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FIRST FARWEST
DESCRIPTION FOR ANNEXATION
December 15, 1978

Beginning South 89°57' East 623.34 feet from a point on the West line of and South 1°39' East 2633.46 feet from the Northwest corner of the Edward N. White DLC 48 in Section 9, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; and running thence North 0°03' East 656.16 feet; thence South 89°36' West 368.48 feet to the East right of way line of the state highway freeway; thence South 0°24' East along said right of way 653.29 feet to a point which bears North 89°57' West of the point of beginning; thence South 89°57' East 363.34 feet to the point of beginning.

4-4

N 1° 39' W

FREEWAY

(323)

2633.46

13.01 CH

10.00 CH

2.50 CH Dead end

S 89° 36' E
345.90

606

1076.15
507.10

118.80
507.10

342.10

605

S 89° 36' W 368.48'

602

S 0° 24' E 653.29'

S 0° 24' E

N 0° 03' E 656.16'

N 0° 03' E

S 89° 57' E 363.34'

410.86

145.86'

7.37 CH

302

REGISTERED
PROFESSIONAL
LAND SURVEYOR

T. Wayne Hickey

OREGON
SEPTEMBER 23, 1971
T. WAYNE HICKEY
1215



SCALE: 1"=200'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

T. WAYNE HICKEY

90	309
100	109.26
100	306
100	109.26
100	312
100	315
100	108.74
100	319
99.62	321
99.62	2
99.62	326
99.62	2
60	323
99.62	1
99.62	327
99.62	2
99.62	329
99.62	3
99.62	4
99.62	5
99.62	331
99.62	6
99.62	7
99.62	307
99.62	8
99.62	9
101.04	10
108.74	100.49
60	60

SPICER WAYSIDE

SPICER WAYSIDE

P.O.B. S 89° 57' E 623.34' and S 1° 39' E 2633.46' from the northwest corner of D.L.C. #48.

CITY OF ALBANY
FIRST FAR WEST ANNEXATION
(A-1-79)
APRIL 1979