

ORDINANCE NO. 4268A₂

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 1.65 ACRES OF PROPERTY LOCATED at 303-305-307 34TH AVENUE S.W. AS M-2 LIGHT 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. 4262 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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, 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 M-2 Light 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. 4262, 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:

[Signature]
City Recorder

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Staff Report

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

V. PUBLIC HEARING - CONSENT ANNEXATION REQUEST

B. Tripp and Tripp (A-2-79)

Requests consent annexation and M-2 Light Industrial zoning for property located at 303-305-307 S. W. 34th Avenue (Assessor's Parcel Map 11-3W-18C, TL 200) containing 1.65 acres.

This consent annexation and M-2 zoning request involves 1.65 acres north of 34th Avenue, west of the Albany Santiam Canal. The property is contiguous to the city limits along its eastern boundary; the land within the City is zoned M-3 Heavy Industrial. Currently under construction on the site are a series of recreational vehicle storage areas and a 4,000 square foot building to be used for shops for industrial supply and/or service operators. There is one dwelling unit on the site that can be used for a resident watchman.

The City and County staffs have reviewed this 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 also adequately demonstrate a public need for the requested M-2 zoning.
3. This property has unique locational and physical characteristics which make it well suited for light industrial development.
4. Annexation to the City would allow the property to be provided with sanitary sewer service.

At their March 5th meeting the Planning Commission unanimously voted to recommend to the City Council that this annexation and M-2 Light Industrial zoning request be approved based upon the findings as enumerated above and as supplemented by the applicant (see attached).

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ANNEXATION REQUEST

Consistency with Comprehensive Plan

The City of Albany Comprehensive Land Use Plan designates this area as Industrial. The usage is in compliance with that designation. The request complies with the Comprehensive Plan.

Public Need for the Requested Annexation and Zoning

This property is located in the heart of an industrial area and its usage for light industrial and storage compliments the surrounding properties. Storage units are needed so that people can have a place to store boats, trailers, motor houses, old cars, etc., which otherwise might clutter driveways, yards or might be parked at the curb. This storage site is handiest to persons living in the fast-growing S.E. area and might best encourage their putting recreational type units out of sight.

This Property Best Meets the Public Need.

Due to its aforementioned location, this site is best for industrial usage and has been so recognized by all existing county and city planning studies.

Compliance with LCDC Goals and Guidelines

- (1) Citizen Involvement - Thorough public participation has been provided by Linn County in determining this site UGI (Urbanizing General Industrial) in a process of public hearings. The City of Albany will likewise hold public meetings in their deliberations at the Planning and Council levels.
- (2) Land Use Planning - This request is in full compliance with the present Comprehensive Land Use Plan.
- (3) Agricultural Lands - This land is too small a parcel to be viable for agriculture. For approximately 50 years, this has been a separate parcel and the land is of low agricultural potential due to poor drainage. No agricultural production will be affected by this request.

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- (4) Forest Lands - Not applicable.
- (5) Open Spaces, Scenic and Historic Areas and Natural Resources - This property has been previously developed and contains no known historic value or minerals. The Santiam Canal, which borders the property, has room within its right-of-way for a trail. The canal is owned by Pacific Power & Light Co.
- (6) Air, Water and Land Resources Quality - The major purpose of this annexation request is to connect the buildings to an existing sanitary sewer to protect land and water quality. Failure to adopt this annexation has the potential of jeopardizing PP&L canal water in the event of septic tank failure.
- (7) Areas Subject to Natural Disasters and Hazards - There are no known problems at this site that present major issues.
- (8) Recreational Needs - This site is a storage area for recreational vehicles and will promote recreational usage by providing a proper place for these vehicles to be properly stored out of sight. This may prompt persons without their own storage areas to acquire boats or recreational vehicles and live fuller lives.
- (9) Economy of the State - In addition to the storage facility, 4,000 sq.ft. is devoted to commercial-storage type enterprises. This will provide 3-4 shop spaces for supply-service type enterprises and will provide employment sites for a small number of persons.
- (10) Housing - One house is situated on the site which may be used as a resident-watchman residence. Other housing in the general area serves a residential need which is not the highest and best use for this property.
- (11) Public Facilities and Services - This annexation would provide for a timely, orderly and efficient provision of public services. This site is nearly surrounded by the City of Albany and most services are already extended to this property.
- (12) Transportation - This site is on 34th Ave., a major cross-town arterial 4-lane street. No other streets serve the site. A future trail or bike path along the PP&L canal is a possibility. This annexation does not preclude that possibility but brings the area under City responsibility.

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- (13) Energy Conservation - The development of this relatively close-in industrial parcel will utilize less energy needs than farther out sites.
- (14) Urbanization - This property is centrally located in an already developed and urbanized area. Its annexation does not add to nor detract from its urbanization. It is located well within the City Urban Growth Boundary.
- (15) Willamette River Greenway - Not applicable.
- (16) Estuarine Resources - Not applicable.
- (17) Coastal Shorelands - Not applicable.
- (18) Beaches and Dunes - Not applicable.
- (19) Ocean Resources - Not applicable.

C. S. 16351

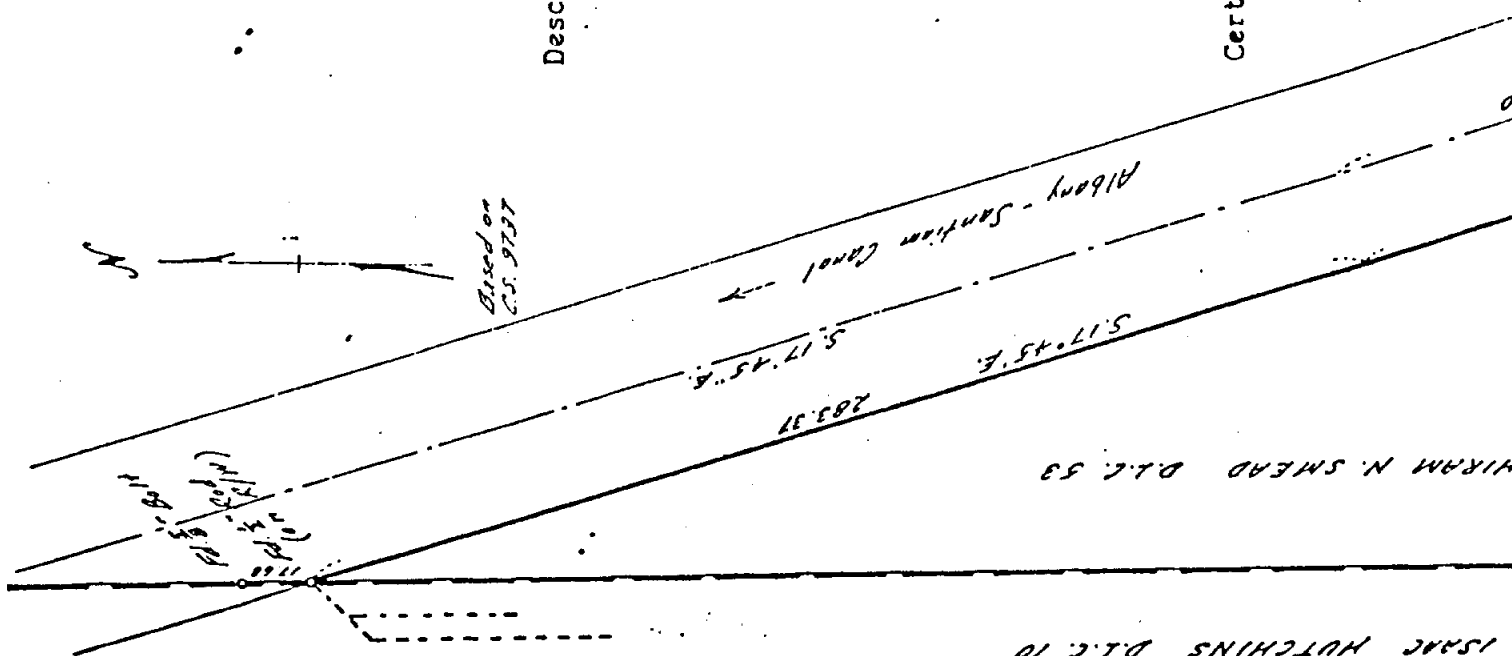
TRIPP & TRIPP REALTORS

In Hiram N. Smead D.L.C. 53
SW 1/4 Sec. 18, T.11 S., R.3 W., W.M.
Albany, Linn County, Oregon

Scale: 1" = 50'
August 25, 1978
Orris A. Carnegie
County Surveyor
By: Rodger Latham

Description: A parcel of land situated in the Southwest quarter of Section 18, Township 11 South, Range 3 West, Willamette Meridian, Linn County, State of Oregon, described as follows: Beginning at the Southwest corner of the Hiram Smead Donation Land Claim No. 53 in said Section 18, thence North 10 chains along the West line of said Smead Claim No. 53 to the Southerly boundary of the Albany-Santiam Canal; thence Southeasterly along said canal to the South line of said Smead Claim No. 53; thence West 3.56 chains to the point of beginning. EXCEPTING THEREFROM: Beginning at a point which is North 25 feet from the Southwest corner of the Hiram Smead Donation Land Claim No. 53, in Section 18, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, State of Oregon, said point being on the North right of way line of 34th Avenue; thence North 19 feet; thence North 86°56' East to the Southerly boundary line of the Albany-Santiam Canal; thence Southerly along said canal to a point 25 feet North of the South line of the Smead Claim No. 53; thence South 88°56' West to the point of beginning. Said property deeded to the City of Albany by Deed Recorded December 20, 1972 in Microfilm Volume 52, Page 900.

Certificate: I certify that the herein described property was surveyed under my immediate supervision and that the improvements shown were found to be on the premises in question and that they do not overlap or encroach on the property adjacent thereto.



REGISTERED

