

ORDINANCE NO. 4484

TITLE: AN ORDINANCE PROVIDING FOR THE ANNEXATION AND ZONING TO THE CITY OF ALBANY OF TERRITORY SURROUNDED BY ITS CORPORATE LIMITS AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

Whereas, the territory described in Section 1 below is surrounded by the corporate limits or boundaries of the City of Albany and is not an incorporated city; and

Whereas, it is in the best interest of the City and the territory described in Section 1 below that said territory be annexed to the City without an election in the city.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ANNEXED TERRITORY

The territory described in Exhibit A, attached hereto, and by this reference incorporated herein, which is surrounded by the city boundaries, is hereby annexed to the City of Albany, Oregon and zoned as described in Exhibit D.

Section 2: WITHDRAWAL

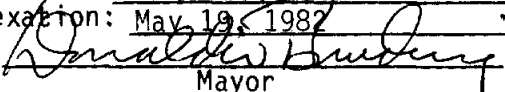
The City Council of the City of Albany hereby determines that the territory described in Section 1 above shall be withdrawn from the Albany Rural Fire Protection District upon the effective date of this ordinance.

Section 3: RECORD

The City Recorder shall submit a transcript of the annexation proceedings and a copy of this ordinance to the Oregon Secretary of State, the State Department of Revenue, the Linn County Assessor, and the Linn County Clerk.

Section 4: EFFECTIVE DATE

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: February 24, 1982  
Approved by the Mayor: February 24, 1982  
Effective Date of Ordinance: March 26, 1982  
Effective Date of Annexation: May 19, 1982  
  
Mayor

ATTEST:

  
City Recorder

Availability of Urban Services:

1. Sewer: The closest available sewer is a 12 inch pressure main and a 21 inch gravity main on 34th Avenue. There is an 18 inch sewer main lying in Marion Street north of 38th Avenue and a 4 inch pressure main lying south of the enclave area in the B.P.A. easement (See Exhibit 'D').
2. Water: Pacific Power and Light Company reports that there is a 16" water line on 34th Avenue and a 12 inch water line on Marion Street with capacity to serve the proposed annexation areas.
3. Police: The Albany Police Department reports that from the information provided it appears the Department will be able to provide service to the area with no appreciable increase in cost at this time.
4. Fire: The Albany Fire Department reports that the enclave area is within proper running distance of Station #2 for first due Engine Company response.

FINDINGS

Conformance with the Adopted Comprehensive Plan - Adopted December 17, 1980

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

The area proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany and is included with the recognized Urban Growth Boundary adopted by the City and Linn County.

The existing (and potentially increased) industrial uses within the area are (and will be) in conformance with the designations indicated on the Comprehensive Plan Map.

1. Urban Growth Policies

Annexation of this area will conform to the Urban Growth Policies:

- (a) The area is within the locally adopted Urban Growth Boundary.
- (b) The annexation will be an incremental step in extending the City Limits to the UGB.
- (c) The annexation will result in the development of land with existing urban services before the conversion of unserved lands.

2. Growth Management Policies

Annexation of this territory would conform to the Growth Management Policies as the annexation will encourage urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed services and facilities.

### 3. Development Policies

When the subject properties are annexed, they will be rezoned to the appropriate industrial zones in order to be in compliance with the Comprehensive Plan designations.

The area of annexation will be provided with appropriate water and sewer facilities that will be adequate to support the development of the area.

### 4. City Annexation Policy

The annexation of this enclave area will result in a more logical City boundary and service area.

Annexation of the entire enclave will eliminate the need for piecemeal annexations which result in more staff, Planning Commission, and Council time and effort and uncoordinated planning efforts for extension of streets and utilities.

### State Land Use Goals:

In order to approve an annexation prior to acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission (LCDC), it must be found to be in conformance with all of the applicable LCDC goals.

The annexation is in conformance with the following goals:

#### 1. Goal One - Citizen Involvement

The Comprehensive Plan and Urban Growth Boundaries were developed in cooperation with the City and County Planning Commissions and governing bodies. The City of Albany Plan was also coordinated with development of the Linn County Plan.

#### 2. Goal Two - Land Use Planning

The annexation is in conformance with the Albany Comprehensive Plan that was adopted by the City and County and the Urban Growth Policies Agreement, a document adopted by Albany and Linn County that specifies the provision of services and annexation procedures.

#### 3. Goal Three - Agricultural Lands

The subject area exhibits agricultural soils. However, because of the extent of urban growth that has occurred around the enclave, and because sewer and water facilities pass through the area in question, it is the City's position that the area is committed to urban use and therefore unsuitable for agricultural use. Accordingly, the annexation of the subject property will not constitute a violation of Goal 3.

4. Goal Five - Open Spaces, Scenic and Historical Areas, and Natural Resources

There are no open space, scenic, historic or natural resources identified on the subject parcels by the Albany Comprehensive Plan.

5. Goal Seven - Areas Subject to Natural Disasters and Hazards

There are no geological hazards identified on the subject property in the Albany Comprehensive Plan.

6. Goal Eleven - Public Facilities and Services

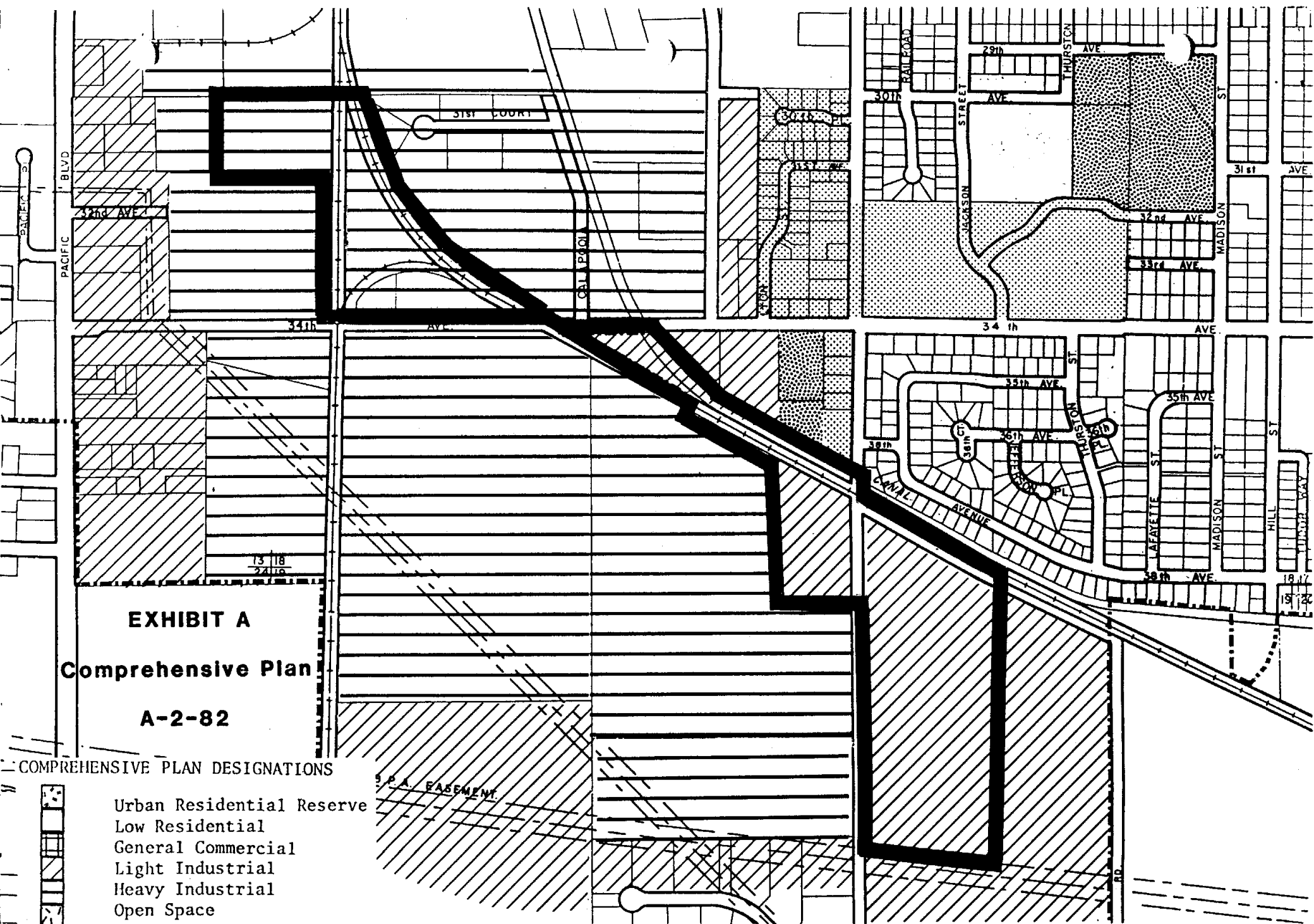
The development of the enclave area will make more timely and efficient use of the sewer and water facilities currently existing in the area.

7. Goal Fourteen - Urbanization

The annexation of the subject property will provide for the efficient use of existing public facilities and services as well as the orderly conversion of urbanizable land to urban uses.

CONCLUSIONS:

1. Annexation of the enclave area will make a more logical City Boundary and Service area, while providing for coordinated planning efforts for extensions of streets and utilities.
2. The subject properties are within the Albany Urban Growth Boundary.
3. Urban Services are available to adequately support urbanization of the area at this time.
4. Annexation of the subject properties is in conformance with the Albany Comprehensive Plan.
5. Annexation of the subject properties is in conformance with applicable State-wide Land Use Goals.
6. The proposed zoning designations as proposed in Exhibit 'C' are in conformance with the Albany Comprehensive Plan.
7. The conflicts between the City and County application of development standards and requirements for this area will be eliminated through annexation.
8. This area is committed to urban development.

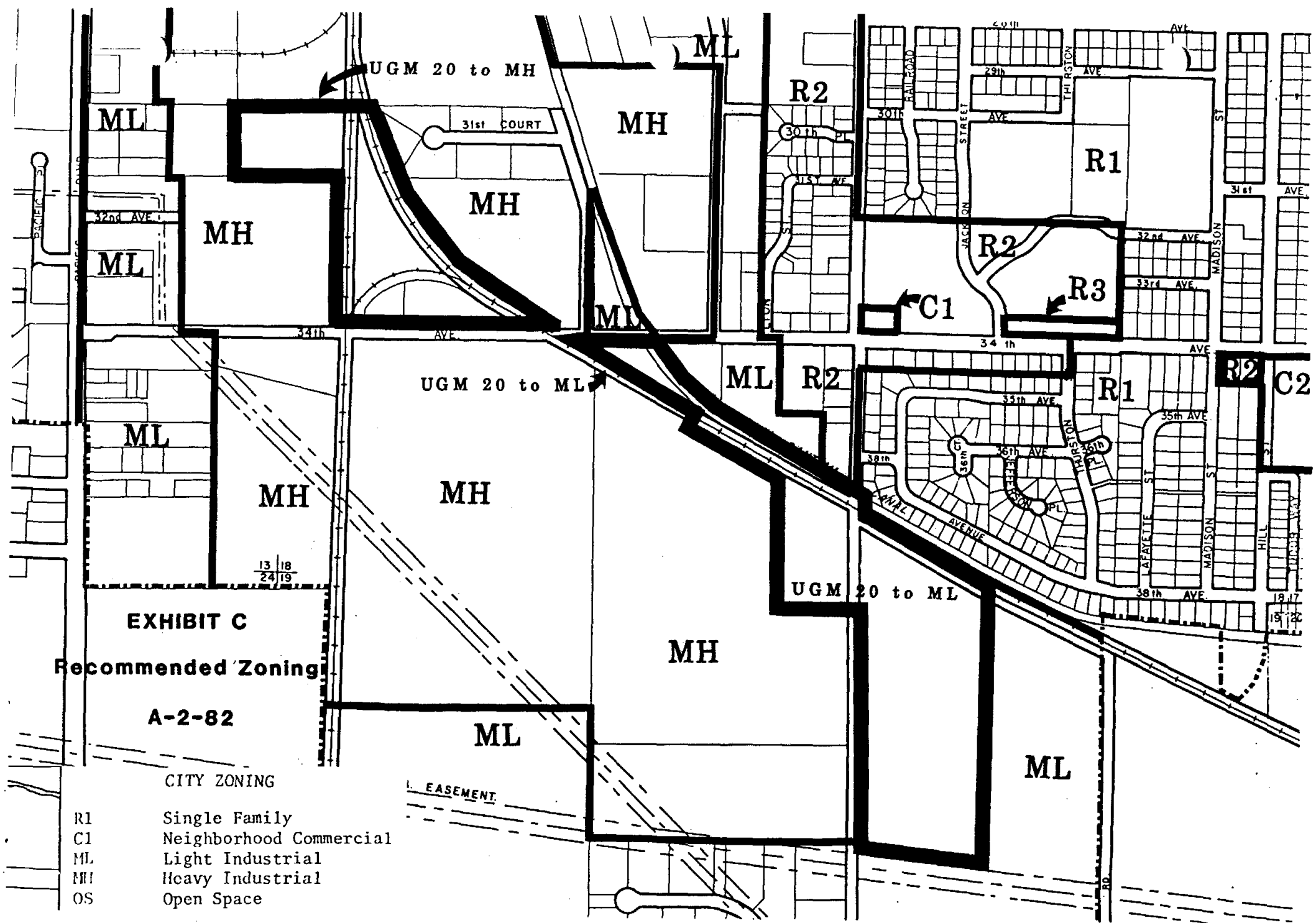


**EXHIBIT A**  
**Comprehensive Plan**  
**A-2-82**

COMPREHENSIVE PLAN DESIGNATIONS

- Urban Residential Reserve
- Low Residential
- General Commercial
- Light Industrial
- Heavy Industrial
- Open Space





- R1 Single Family
- C1 Neighborhood Commercial
- ML Light Industrial
- MH Heavy Industrial
- OS Open Space

**EXHIBIT C**  
**Recommended Zoning**  
**A-2-82**

CITY ZONING

LEASEMENT

13 18  
24 19

3. Police: The Albany Police Department reports that from the information provided the Department will be able to provide service to the proposed area. They expect their calls for service to be increased in the areas of traffic, theft and personal disputes. As the area is presently served by the Linn County Sheriff's Department and the surrounding area by the Albany Police Department, the service provided to the area should not cause any appreciable cost at this time. In the future additional manpower may be required.
4. Fire: The Albany Fire Department reports that the enclave is within proper running distance of Station #2 for first due Engine Company response.

### FINDINGS

#### Conformance with the Adopted Comprehensive Plan - Adopted December 17, 1980

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

The area proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany and is included with the recognized Urban Growth Boundary adopted by the City and Linn County.

The existing (and potentially increased) residential, commercial and industrial uses within the area are (and will be) in conformance with the designations indicated on the Comprehensive Plan Map.

#### 1. Urban Growth Policies

Annexation of this area will conform to the Urban Growth Policies:

- (a) The area is within the locally adopted Urban Growth Boundary.
- (b) The annexation will be an incremental step in extending the City Limits to the UGB.
- (c) The annexation will result in the development of land with existing urban services before conversion of unserved lands.

#### 2. Growth Management Policies

Annexation of this territory would conform to the Growth Management Policies as the annexation will encourage urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed services and facilities.

#### 3. Development Policies

When the subject properties are annexed, they will be rezoned to the appropriate residential, commercial and industrial zones in order to be in compliance with the Comprehensive Plan designations.

The area of annexation will be provided with appropriate water and sewer facilities that will be adequate to support the development of the area.

#### 4. City Annexation Policy

The annexation of this enclave area will result in a more logical City boundary and service area.

Annexation of the entire enclave will eliminate the need for piecemeal annexations which result in more staff, Planning Commission, and Council time and effort and uncoordinated planning efforts for extension of streets and utilities.

#### State Land Use Goals:

In order to approve an annexation prior to acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission (LCDC), it must be found to be in conformance with all of the applicable LCDC goals.

The annexation is in conformance with the following goals:

##### 1. Goal One - Citizen Involvement

The Comprehensive Plan and Urban Growth Boundaries were developed in cooperation with the City and County Planning Commissions and governing bodies. The City of Albany Plan was also coordinated with development of the Linn County Plan.

##### 2. Goal Two - Land Use Planning

The annexation is in conformance with the Albany Comprehensive Plan that was adopted by the City and County and the Urban Growth Policies Agreement, a document adopted by Albany and Linn County that specifies the provision of services and annexation procedures.

##### 3. Goal Three - Agricultural Lands

The subject area exhibits agricultural soils. However, because of the extent of urban growth that has occurred around the enclave, and because sewer and water facilities pass through the area in question, it is the City's position that the area is committed to urban use and therefore unsuitable for agricultural use. Accordingly, the annexation of the subject property will not constitute a violation of Goal 3.

##### 4. Goal Five - Open Spaces, Scenic and Historical Areas, and Natural Resources

The Albany Comprehensive Plan identifies approximately 78.51 acres which lie in and adjacent to the Oak Creek floodway as open space to be retained to provide relief from the density of urban development. This area is presently being farmed.



5. Goal Seven - Areas Subject to Natural Disasters and Hazards

There are no geological hazards identified on the subject property in the Albany Comprehensive Plan.

6. Goal Ten - Housing

The proposed annexation will increase the supply of land available for residential use, thereby helping to provide for the housing needs of Albany citizens.

7. Goal Eleven - Public Facilities and Services

The development of the enclave area will make more timely and efficient use of the sewer and water facilities currently existing in the area.

8. Goal Fourteen - Urbanization

The annexation of the subject property will provide for the efficient use of existing public facilities and services as well as the orderly conversion of urbanizable land to urban uses.

CONCLUSIONS:

1. Annexation of the enclave area will make a more logical City Boundary and Service area, while providing for coordinated planning efforts for extensions of streets and utilities.
2. The subject properties are within the Albany Urban Growth Boundary.
3. Urban Services are available to adequately support urbanization of the area at this time.
4. Annexation of the subject properties is in conformance with the Albany Comprehensive Plan.
5. Annexation of the subject properties is in conformance with applicable State-wide Land Use Goals.
6. The proposed zoning designations as proposed in Exhibit 'D' are in conformance with the Albany Comprehensive Plan.
7. The conflicts between the City and County application of development standards and requirements for this area will be eliminated through annexation.
8. The area has been committed to future urbanization through a number of previous actions including the City of Albany's Comprehensive Plan, the placement of the large 27" interceptor sanitary sewer line to LBCC, adoption of the Urban Growth Boundary by Linn County and the City of Albany and the number of delayed (contract) annexations approved by both the City and Linn County over the past several years involving the subsequent construction of several housing units.

EXHIBIT 'A'

Annexation Case No. A-1-82

Tax Map No. 11-4w-24AD  
Tax Lot Nos.: 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 202, 203,  
204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215,  
216, 218

Tax Map No. 11-4w-24DA  
Tax Lot Nos.: 100, 101, 102, 103, 200, 300, 301, 400, 500, 600, 700, 701,  
800, 900, 901, 1000, 1001, 1002, 1003, 1004, 1005, 1100

Tax Map No. 11-4w-13DB  
Tax Lot Nos.: 3000, 3100

Tax Map No. 11-4w-13DC  
Tax Lot Nos.: 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, 1100, 1200,  
1300, 1400, 1500, 1501, 1600, 1700, 1800, 1801, 1802, 1900,  
2000, 2100, 2200, 2300, 2400, 2500, 2600, 2700, 2800, 2900,  
3000, 3001, 3100, 3101, 3200, 3300, 3400, 3500, 3600, 3700,  
3800, 3900, 4000, 4100, 4200, 4300, 4400, 4500

Tax Map No. 11-4w-24  
Tax Lot Nos.: 100, 102, 200, 202, 203, 205, 206, 207, 208, 210, 211, 212,  
213, 214, 401, 402, 403, 404, 700, 701, 800

Tax Map No. 11-3w-19  
Tax Lot Nos.: 400, 404

**EXHIBIT B**  
**Comprehensive Plan**  
**A-1-82**

COMPREHENSIVE PLAN DESIGNATIONS



- Urban Residential Reserve
- Low Residential
- General Commercial
- Light Industrial
- Heavy Industrial
- Open Space

