

RESOLUTION NO. 2829

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED AT 1052 & 1100 GOLDFISH FARM ROAD SE AND CONTAINING APPROXIMATELY 245,058 SQUARE FEET (5.626 ACRES) (FILE NO. AN-03-88).

WHEREAS, under the provisions of ORS 222.125, 100% of the property owners and not less than 50% of the electors, if any are present, have petitioned for the annexation of territory to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings for such annexations; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibit A is hereby proclaimed to be annexed to the city of Albany and zoned CH (Heavy Commercial).

BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

BE IT FURTHER RESOLVED that the City Recorder shall be directed to submit to the Secretary of the State of Oregon a transcript of the annexation proceedings, a copy of this resolution (ordinance), and a copy of the complete consent document signed by the landowners and electors, if any are present, within the territory annexed. The City Recorder shall also be directed to submit to the Oregon State Department of Revenue a copy of this resolution (ordinance), and a copy of the legal description and map of the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the city of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

DATED THIS 16TH DAY OF NOVEMBER, 1988.

  
\_\_\_\_\_  
Mayor

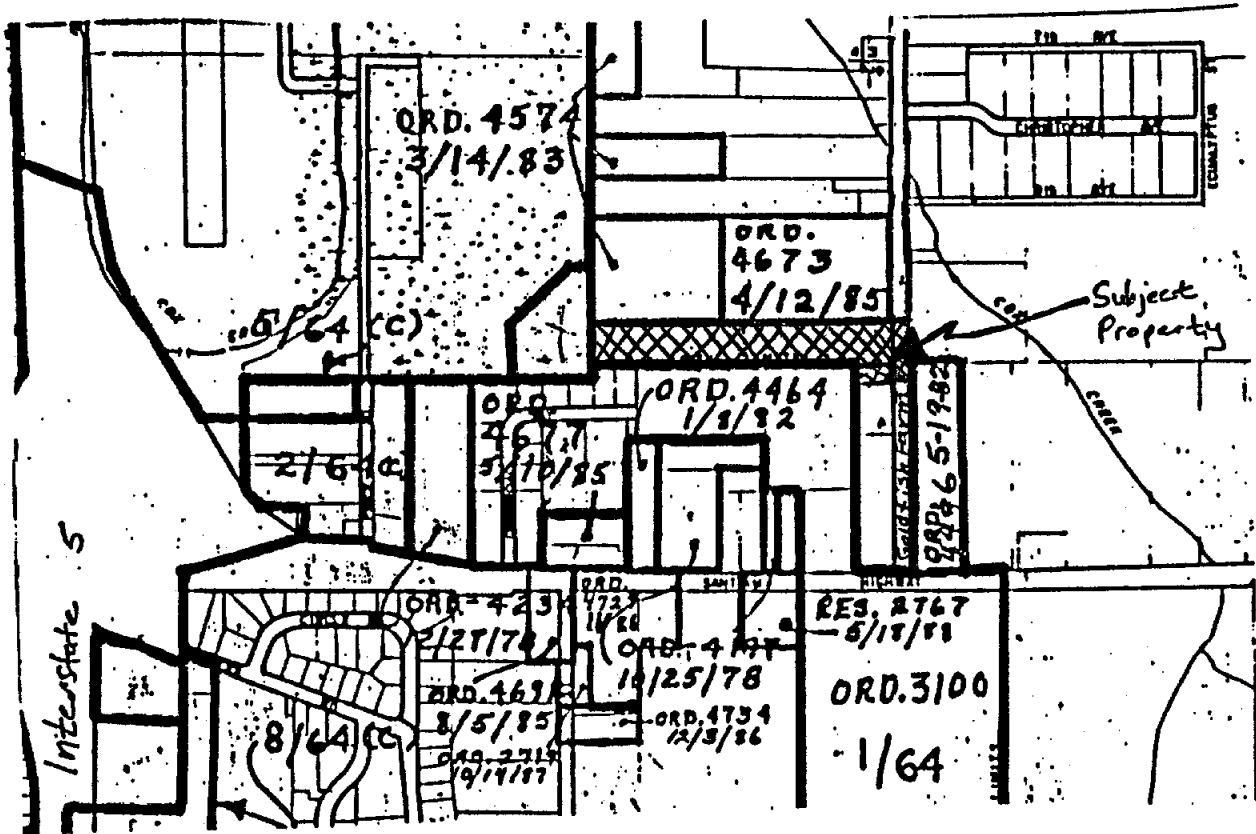
ATTEST:

  
\_\_\_\_\_  
City Recorder

**EXHIBIT A  
LEGAL DESCRIPTION  
CASE No. AN-03-88**

For real property located at 1052 and 1100 Goldfish Farm Road SE, situated in the County of Linn and State of Oregon, and more particularly described as follows and as shown on the map below:

Beginning at the southwest corner of the Hugh Nickerson and wife Donation Land Claim, Lot No. 708, Claim No. 39 in Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence east 20 feet to a point on the east right-of-way line of Goldfish Farm Road, said point being the true point of beginning; thence north along the east right-of-way line of Goldfish Farm Road a distance of 165 feet; thence west along the north line of that parcel of land conveyed to Floyd Zumwalt on MF 499-903C, Linn County Deed Records, a distance of 1,340 feet; thence south along the west line of said property a distance of 165 feet; thence east along the south line of said property a distance of 1,120 feet to the northwest corner of that tract of land conveyed to Julie Sanford on MF 483-604, Linn County Deed Records; thence south along the west line of said property a distance of 108.9 feet; thence east along the south line of said property a distance of 220 feet to a point on the east right-of-way line of Goldfish Farm Road; thence north along said east right-of-way line a distance of 108.9 feet to the true point of beginning.  
(Containing 5.626 acres more or less)



**CITY OF ALBANY  
ANNEXATION STAFF REPORT**

File No.: AN-03-88

Hearing Body: City Council

Hearing Date: December 7, 1988

**GENERAL INFORMATION**

**Applicant:** Julie Sanford  
154 Scrael Hill Road NE  
Albany, OR 97321

Floyd Zumwalt  
4269 Santiam Hwy. SE  
Albany, OR 97321

**Type of Request:** To annex property containing approximately 245,058 (5.626 acres) square feet (10,920 square feet of area is in Goldfish Farm Road right-of-way).

**Property Location:** 1052 & 1100 Goldfish Farm Road SE

**Total Land Area:** 23,958 square feet

**Assessor's Map & Tax Lot No.:** 11-3W-9A, Tax Lot 700 & 800

**Neighborhood:** East Albany

**Existing Comprehensive Plan Designation:** General Commercial

**Current Zoning Designation:** UGM-CH (Urban Growth Management-Heavy Commercial)

**Surrounding Zoning:** UGM-CH to the north, south, and west; CH to the east; and UGM-20 to the northeast.

**Existing Land Use:** Vacant Land (Tax Lot 800) and a wrecking/salvage yard (Tax Lot 700)

**Surrounding Land Use:** To the north, Recreational Vehicle Park (Babe the Blue Ox); to the south, an auto repair shop, a manufactured home sales lot and a used car lot; to the west, vacant land; to the east, an auto body and detail shop, and a used car lot; to the northeast, a single family residence on an acreage parcel.

**Proposed Zoning:** CH (Heavy Commercial)

**Background Information:**

Recently revised Oregon law allows consent annexations to occur without a public hearing or Planning commission review when annexation of the subject property is initiated by 100% of the property owners and no electors reside on the property (ORS 222.125). Also, the Albany Development Code allows annexation to occur "by Ordinance or Resolution without a hearing or election if such action is permitted by Oregon Revised Statutes" [ADC3.010(5) and (7)]. However, the ORS still requires a public hearing for removal of territory from Rural Fire Protection Districts. Staff recommends that the City Council set a public hearing date of December 7, 1988 for the removal of the territory from the Albany Rural Fire Protection District.

**Reason for Annexation:** The applicant intends to construct a 8,750 square foot (125' x 70') industrial building to be used for an office and the storage of auto parts (Tax Lot 800) from the salvage business located on the property to the immediate north Tax Lot 700).

**AVAILABILITY OF URBAN SERVICES:**

1. Sanitary sewer and water service is not currently available to the subject property. At the time of development on the site, sewer must be extended or assurance for eventual extension (Petition for Improvement/Waiver of Remonstrance) must be made.
2. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
3. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first due Engine Company response.

**FINDINGS**

1. Annexation of the subject property is a logical and efficient extension of the City limits boundaries to facilitate the functional and economic provision of services as the property to the west and east are currently within the city limits and the annexation of the subject property will create an enclave of the two properties to the south.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
5. The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus annexation

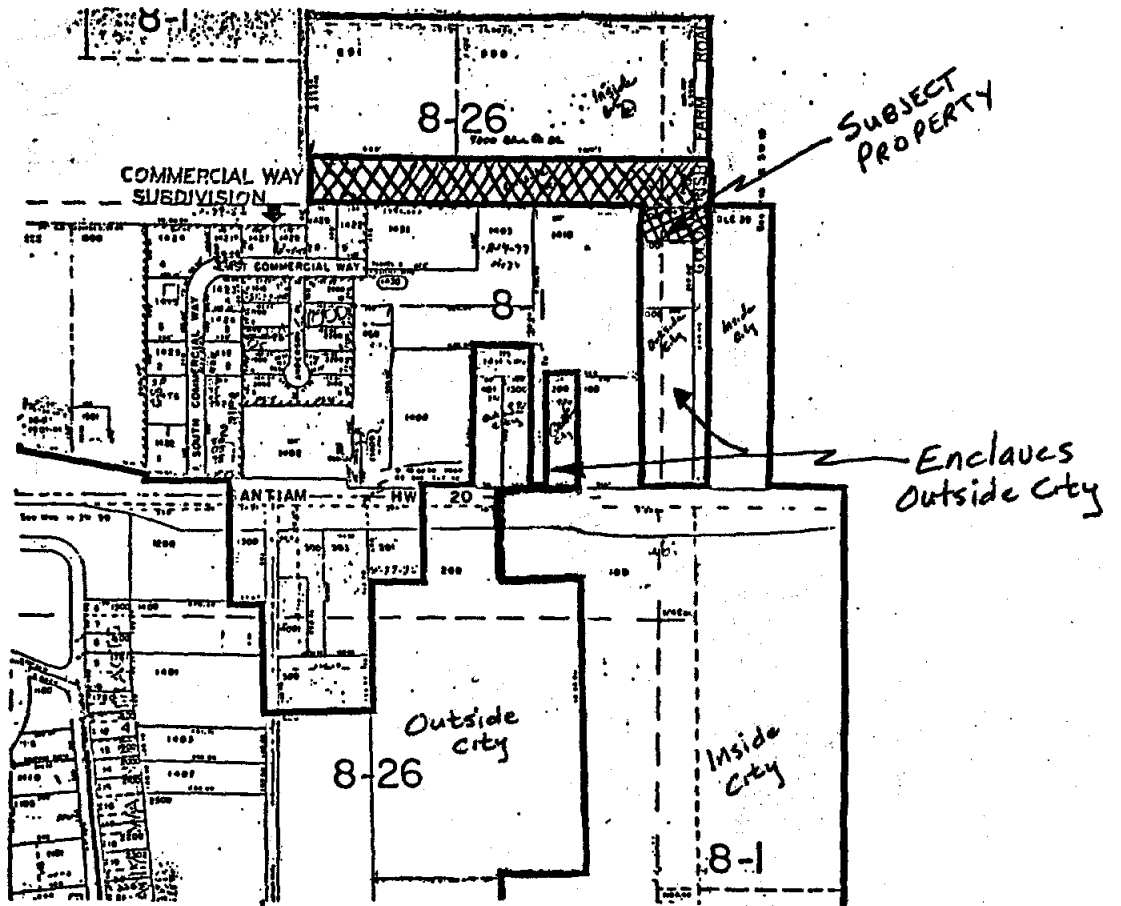
may occur without a public hearing or Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).

6. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2)) provided for application of the CH (Heavy Commercial) zoning designation for properties with a General Commercial Comprehensive Plan designation and an overlay zoning designation of UGM-CH upon annexation by this method.
7. The existing zoning designation of Urban Growth Management-Heavy Commercial (UGM-CH) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards for the CH (Heavy Commercial) zoning district as provided for in the Albany Development Code.
8. Urban services can be extended to the subject property without adversity to other properties in the city.
9. The future use and development of the property will be subject to Site Plan Review approval which will assure the provision of adequate public improvements and enhancement of the property through appropriate landscaping.

**STAFF RECOMMENDATIONS:** That the City Council adopt the Resolution annexing the subject property with a zoning designation of CH (Heavy Commercial) and the Resolution to set a public hearing to remove the territory from the Albany Rural Fire Protection District.

**APPEALS:** If the applicant is dissatisfied with the decision or any conditions thereof required for approval by the City Council, s/he may file a "Notice of Intent to Appeal" with the State Land Use Board of Appeals within 21 days from the effective date of the Council's action.

ANNEXATION  
PATTERN



ZONING  
MAP

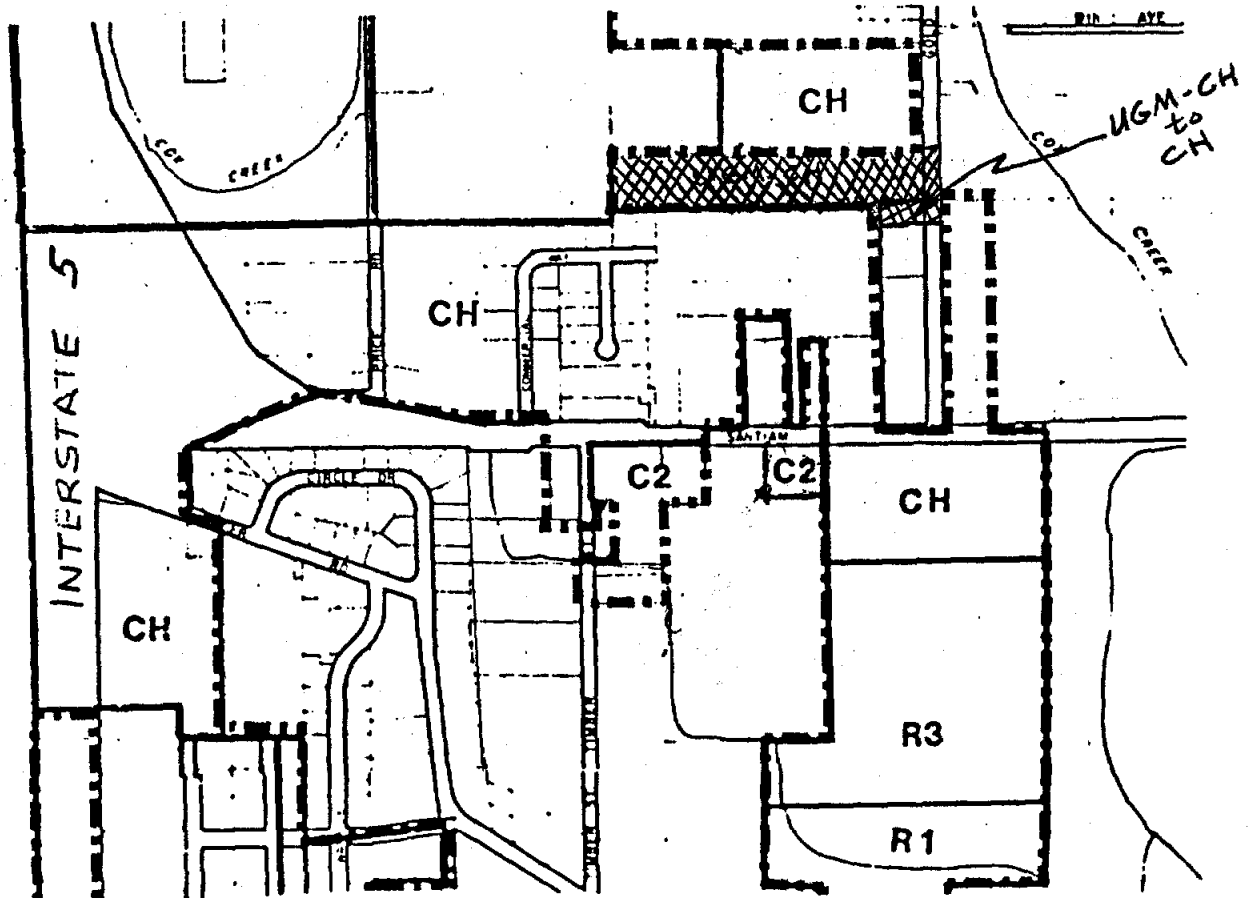
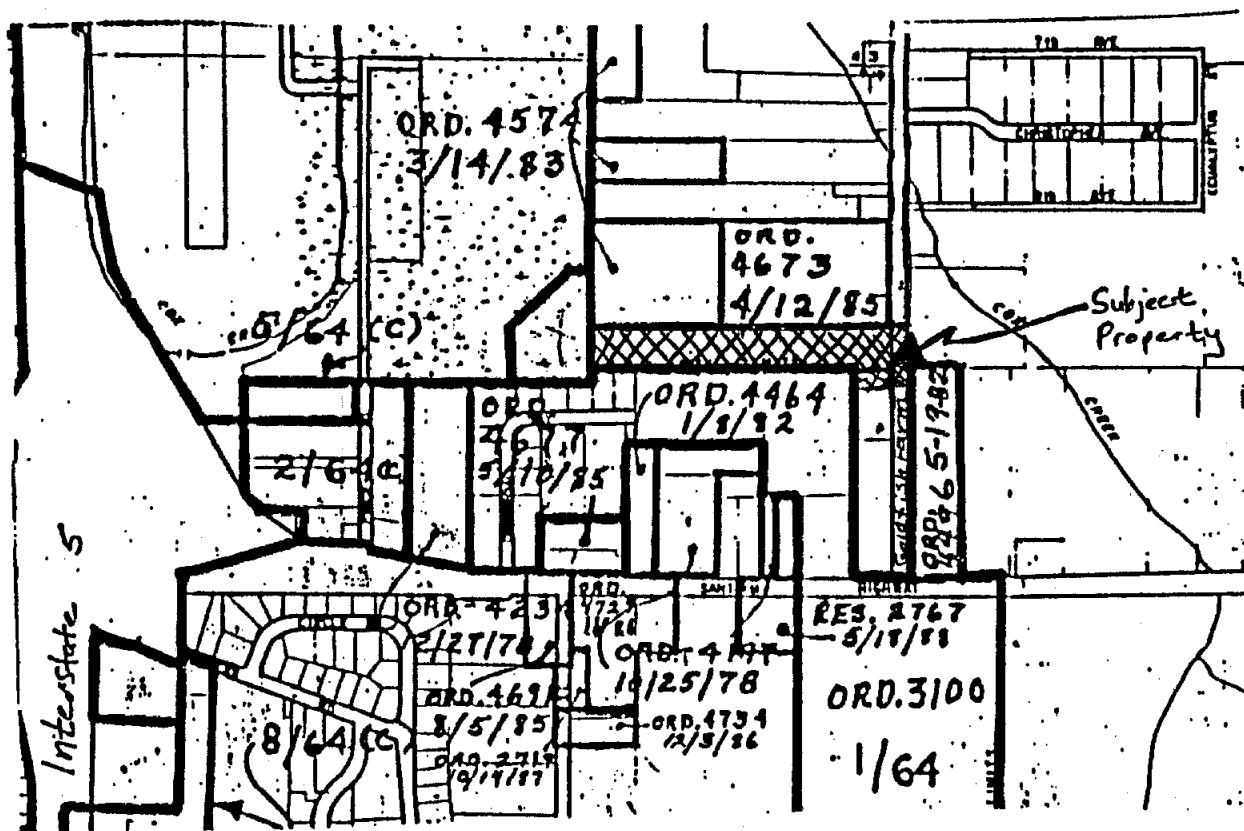


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