

RESOLUTION NO. 3061

**A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED WEST OF THREE LAKES ROAD SE AND SOUTH OF SPICER ROAD SE MORE COMMONLY KNOWN AS 2122, 2280, 2290 and 2320 THREE LAKES ROAD SE (Tax Lot 701, 11-3W-16) AND CONTAINING APPROXIMATELY 3.67 ACRES MORE OR LESS (FILE NO. AN-03-91 & AN-01-83) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.**

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and more commonly known as 2122, 2280, 2290 and 2320 Three Lakes Road SE, which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for an election or 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; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

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 ML (Light Industrial).

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

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibit A from the Albany Rural Fire Protection District be held by the City Council on June 12, 1991, 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in the Albany Democrat-Herald. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the city for a like time.

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 22ND DAY OF May, 1991.

  
\_\_\_\_\_  
Mayor

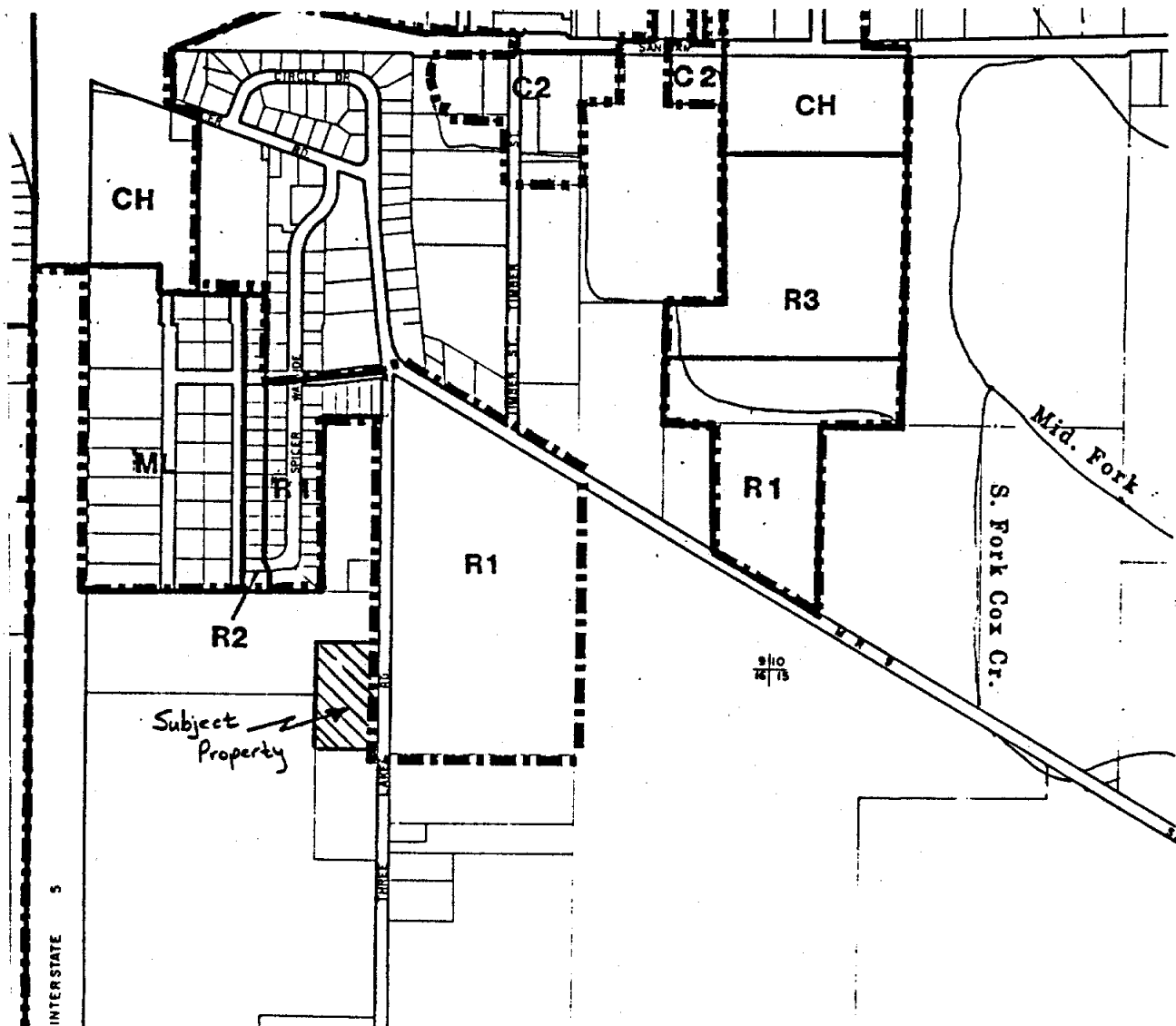
ATTEST:

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

EXHIBIT A  
LEGAL DESCRIPTION  
CASE NO. AN-03-91

Book 314 Page 495, the Northerly 505.6 feet of the property described below:

Beginning at a 5/8 inch iron rod in the center of the County Road on the East line of that parcel described in Deed recorded in Book 198 Page 536, Linn County Deed Records; said rod being West along the South line of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West of the Willamette Meridian, 908.75 feet and North 0° 17' East along the center of the said County Road 1404.23 feet from the Southeast corner of the Westerly one-half of said claim; thence North 0° 17' East along the center of said County Road 1063.62 feet; thence South 89° 22' West 335.81 feet; thence South 0° 27' West 1064.67 feet to a 5/8 inch iron rod; thence North 89° 22' East 338.89 feet to the Point of Beginning.



**EXHIBIT B**  
**STATEMENTS IN SUPPORT OF ANNEXATION**  
**CASE NO. AN-03-91**

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 east is currently within the city limits.
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 electors reside on the property; thus, annexation may occur without an election or a public hearing under the provisions of ORS 222.125 and Albany Development Code Section 2.120.
6. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2)) provided for application of the ML (Light Industrial) zoning designation for properties with a Light Industrial Comprehensive Plan designation.
7. The proposed zoning designation of ML (Light Industrial) is in conformance with the Albany Comprehensive Plan designation of Light Industrial. As such, the property may be developed applying the standards for the ML (Light Industrial) 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. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed Annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.

**INTERDEPARTMENTAL MEMORANDUM**  
Community Development Department

**TO:** Albany City Council  
**VIA:** Steve Bryant, City Manager  
**FROM:** Helen Burns Sharp, Community Development Director *HBS*  
**DATE:** May 15, 1991 for the May 22, 1991 City Council Meeting  
**SUBJECT:** Delayed Annexation Request Which is now Eligible for Annexation (File No. AN-03-91 & AN-01-83)

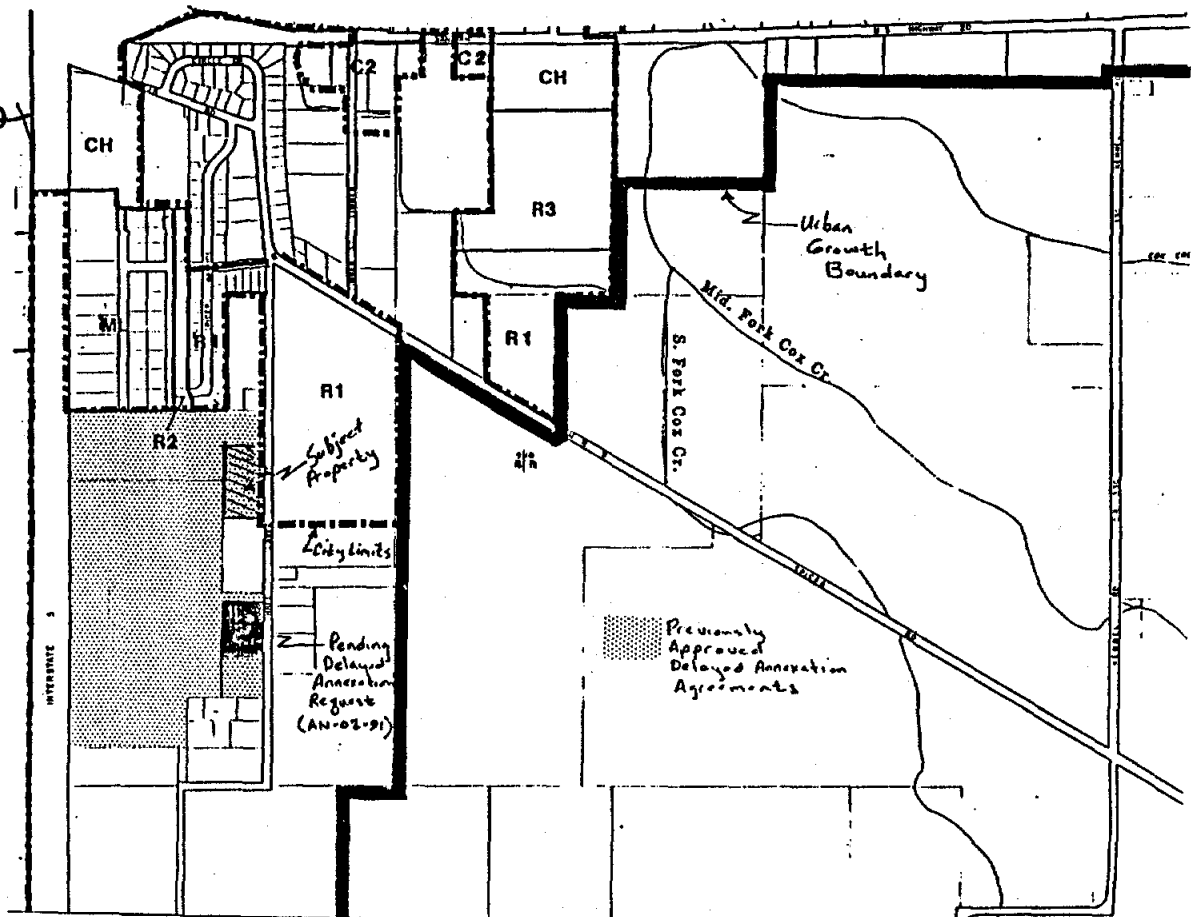
On May 25, 1983, the City Council and the Linn County Board of Commissioners approved a 100% consent Delayed Annexation request in accordance with the procedures in Article 17 of the Linn County Zoning Ordinance which was agreed to by the County and the City as a part of a jointly adopted Urban Growth Management Agreement. Upon the annexation on March 14, 1990 (Case No. AN-01-90) of a 36.12 acre parcel located at 1815 Three Lakes Road SE (Assessor's Map 11-3W-09D, Tax Lots 1000 and 1001), the subject property located at 2122, 2280, 2290, and 2320 Three Lakes Road SE became contiguous to the City Limits and eligible for Annexation.

Revised Oregon law allows consent annexations to occur without an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and electors residing on the property (ORS 222.125). However, ORS requires a public hearing for removal of territory from Rural Fire Protection Districts. Since it is our practice to take these steps concurrently, staff recommends that the City Council annex the property and set a public hearing date of June 12, 1991, for the removal of the territory from the Albany Rural Fire Protection District.

In the case of a 100% Consent Annexation, the City may establish the zoning classification within the annexation ordinance or resolution, and without notice or public hearings, in conformance with the subject area Comprehensive Plan designation and in accordance with the zoning matrix listed in Section 2.120 of the Albany Development Code. The requested zoning designation is in conformance with the Plan Designation of Light Industrial and the zoning matrix.

Respectfully submitted,

*Helen Burns Sharp*  
Helen Burns Sharp



**CITY OF ALBANY  
ANNEXATION STAFF REPORT  
FILE NO. AN-03-91 (AN-01-83)**

**GENERAL INFORMATION**

**Applicant:** Carl Haima  
4810 41st Avenue NE  
Albany, OR 97321

**Type of Request:** Annexation of approximately 3.67 acres more or less (including street right-of-way). The subject property was approved for a Delayed Annexation on May 25, 1983. With the annexation of a 36.12 acre parcel of land lying on the east side of Three Lake Road, the property is now eligible for Annexation.

**Property Location:** 2122, 2280, 2290 and 2320 Three Lakes Road SE

**Assessor's Map &  
Tax Lot No.:** 11-3W-16, Tax Lot 701

**Neighborhood:** East Albany

**Existing Comprehensive  
Plan Designation:** Light Industrial

**Current Zoning  
Designation:** Linn County UGM-ML (Urban Growth Management - Light Industrial)

**Surrounding Zoning:** UGM-ML to the north, south, and west; and UGM-20 (Urban Growth Management - 20 acre minimum) to the east across Three Lakes Road.

**Existing Land Use:** Industrial warehousing, a manufacturing firm, and a large single family residence which is used for a church.

**Surrounding Land  
Use:** The property to the immediate north and west is currently vacant farm land. The property to the south contains an industrial development which contains a number of industrial uses (e.g., warehousing, manufacturing businesses, contractors). The properties to the east across Three Lakes Road contain several vacant parcels (farmland), a boarding stable and three single family homes.

**Proposed Zoning:** ML (Light Industrial)

**Reason for Annexation:** On May 25, 1983, the City Council and the Linn County Board of Commissioners approved a 100% consent Delayed Annexation request in accordance with the procedures in Article 17 of the Linn County Zoning Ordinance which was agreed to by the County and the City as a part of a jointly adopted Urban Growth Management Agreement. Upon the annexation on March 14, 1990 (Case No. AN-01-90) of a 36.12 acre parcel located at 1815 Three Lakes Road SE (Assessor's Map 11-3W-09D, Tax Lots 1000 and 1001), the subject property became eligible for Annexation by the City of Albany.

**Background Information:** Revised Oregon law allows consent annexations to occur without an election or a public hearing when annexation of the subject property is initiated by 100% of the property owners and electors residing on the property (ORS 222.125). However, ORS requires a public hearing for removal of

territory from Rural Fire Protection Districts. Since it is our practice to take these steps concurrently, staff recommends that the City Council annex the property and set a public hearing date of June 12, 1991, for the removal of the territory from the Albany Rural Fire Protection District.

**AVAILABILITY OF URBAN SERVICES:**

1. Sanitary sewer service may be available through the Lawndale Subdivision system. Sanitary sewer lines as defined in the Master Sanitary Sewer Plan will be required at the time of further development of the site or assurances shall be made for the eventual construction of these lines (Petition for Improvement/Waiver of Remonstrance).
2. Water service is currently available to the subject property via a 12-inch water line located in Three Lakes Road near Spicer Road. At the time of future development of the site, a 16-inch water line shall be extended for the length of the property or assurances made for the eventual extension (Petition for Improvement/Waiver of Remonstrance). Public water line extensions must conform to the Albany Water Facility Plan's long term goals for the area. In addition, an interior looped public water system shall be installed which will provide domestic and fire protection needs.
3. Additional on-site, piped, storm sewer collection system may be required at the time of future development on the site which shall be reviewed and approved by the City of Albany Engineering Department. Calculations must be submitted as a part of the Site Plan Review application showing that the existing drainage ditch and culvert are of adequate size to handle the storm drainage resulting from the proposed development.
4. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time development occurs or assurances made for the eventual extension (Petition for Improvement/Waiver of Remonstrance).
5. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.

**SUPPORTING STATEMENTS FOR ANNEXATION:**

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 east is currently within the city limits.
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 electors reside on the property; thus, annexation may occur without an election or a public hearing under the provisions of ORS 222.125 and Albany Development Code Section 2.120.
6. The Albany Development Code Annexation Zoning Matrix (Section 2.120) provides for the application of the ML (Light Industrial) zoning designation for properties with a Urban Growth Management/Light Industrial Comprehensive Plan designation.

7. The proposed zoning designation of ML (Light Industrial) is in conformance with the Albany Comprehensive Plan designation of Light Industrial. As such, the property may be developed applying the standards for the ML (Light Industrial) 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. Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed Annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.

**STAFF RECOMMENDATION:** That the City Council adopt the Resolution annexing the subject property with a zoning designation of ML (Light Industrial) and setting a public hearing for June 12, 1991, to remove the territory from the Albany Rural Fire Protection District.

