

RESOLUTION NO. 3683

A RESOLUTION ADOPTING A POLICY CONCERNING ISSUES WHICH WILL BE CONSIDERED BY THE ALBANY CITY COUNCIL WHEN RESPONDING TO PETITIONS TO ANNEX CONTIGUOUS TERRITORY.

WHEREAS, while state law permits the annexation of contiguous territory upon proper petition and consent from the owners and electors of the territory in question; and

WHEREAS, annexation and subsequent development frequently provide economic benefits to the City of Albany through the creation of construction jobs, business and commercial enterprise, housing, and expansion of the City's tax base; and

WHEREAS, while threshold decisions concerning the eligibility of property for annexation are quasi-judicial in nature, the ultimate decision of whether or not to expand the corporate boundaries is legislative and rests with the discretion of the City Council; and

WHEREAS, the wisdom of any particular annexation may depend upon the extent to which municipal services and infrastructure can be logically, economically, and efficiently provided; and

WHEREAS, the state mandated periodic review process requires the City to undertake a "buildable lands" inventory, which may impact residential densities in contiguous areas currently shown as "Urban Residential Reserve" on the Comprehensive Plan Map.


NOW, THEREFORE, BE IT RESOLVED by the Albany City Council as follows:

- 1) In reviewing annexation petitions, the City Council will expect the petitioner to demonstrate how infrastructure and services will be provided to the site.**
- 2) The City Council will expect the petitioner to demonstrate a funding mechanism for all necessary infrastructure extensions which will place the economic burden on the territory proposed for annexation and not on the City of Albany generally.**
- 3) The City Council may deny an annexation request if issues remain unresolved concerning long-term zoning of the territory to be annexed.**
- 4) The City's form for annexation petitions shall advise the applicant of the City's expectations concerning infrastructure and service extensions and timing relative to the "buildable lands" inventory as set forth above.**
- 5) The criteria enumerated above are not intended to be exclusive. These considerations, and others, may be considered in accepting or rejecting any particular annexation petition. This policy shall not, in any fashion, limit the City Council's discretion concerning the timing, or desirability, of any particular annexation nor shall it require the adoption of findings of fact and, or, conclusions of law. This policy is intended merely to advise petitioners of the City's expectations concerning the burden of identifying and financing service and infrastructure service extensions which may be necessitated by annexation and to advise them of timing relative to the "buildable lands" inventory.**
- 6) Absent special circumstances, the City Council will not formally act on annexation petitions at the same meeting at which the petition is presented for first consideration. In these circumstances, after the annexation is considered at the first meeting, the petitioner and/or staff may be asked to address concerns raised by the City Council when the matter is first presented or additional or different annexation procedures such as requiring a public hearing, requiring a citywide election, or other procedures authorized by state law may be required. In addition, it is the policy of the City Council to carefully consider annexation petitions. In light of the foregoing,**

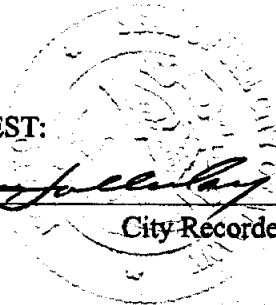

City Council action on annexation petitions shall be generally delayed until a subsequent meeting when previously identified concerns shall be addressed and ample time shall have been given for careful consideration.

7) Development agreements, as authorized by ORS 94.504 through ORS 94.528, or, annexation contracts, as authorized by ORS 222.115, may be employed to secure infrastructure improvements and to govern the timing of development and annexation.

DATED THIS 14TH DAY OF AUGUST 1996.


Mayor

ATTEST:



City Recorder