

A RESOLUTION PROPOSING THE ANNEXATION OF PROPERTIES UNDER DELAYED ANNEXATION AGREEMENTS, LOCATED ON THE WEST SIDE OF THREE LAKES ROAD (AN-04-04), AND FORWARDING THE QUESTION OF ANNEXATION TO THE VOTERS ON THE NOVEMBER 2, 2004 BALLOT.

THE CITY COUNCIL OF THE CITY OF ALBANY RESOLVES that the findings and conclusions contained in Resolution Exhibit B (which consists of the complete staff report to the Albany City Council, including attachments, and dated July 2, 2004; File AN-04-04), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that this annexation, which would annex approximately 14.4 acres of property located on the west side of Three Lakes Road, all within Linn County, Oregon, is to be submitted to the legal voters of Albany, Oregon, for their approval or rejection pursuant to Albany City Charter Chapter 54 at an election to be held on November 2, 2004. This election will be conducted by mail-in ballot.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows:

CAPTION: MEASURE PROPOSING ANNEXATION OF CONTIGUOUS PROPERTIES ON THREE LAKES ROAD

QUESTION: Shall ten parcels totaling approximately 14.4 acres on the west side of Three Lakes Road be annexed?

SUMMARY: Approval of this measure would annex approximately 14.4 acres to the City of Albany. The property to be annexed is located on the west side of Three Lakes Road. Upon annexation, the zoning would be LI (Light Industrial). These properties are currently under delayed annexation agreements. In exchange for the right to develop their property, the owners petitioned for annexation when the property became eligible for annexation. When the property to the west was annexed in 2002, these properties became contiguous and eligible for annexation.

The text of the measure is as follows:

The following described real property, all located in Linn County, Oregon, shall be annexed to the City of Albany upon obtaining a favorable majority vote of the people.

The property generally located on the west side of Three Lakes Road south of 18th Avenue, shown on Linn County Assessor's Map No. 11S-03W-16; Tax Lot(s) 600, 703, 705, 706, 707, 708, 710, 712, 716, and 718, as further described in the attached legal description labeled Resolution Exhibit A. The subject properties containing 14.4 acres, more or less.


The City Clerk is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the *Albany Democrat-Herald*.

IN EFFECT AND DATED THIS 14 DAY OF July, 2004.



Mayor

ATTEST:



City Clerk

RESOLUTION EXHIBIT A
LEGAL DESCRIPTION
FILE AN-04-04

Beginning at a point on the South line of and South 89° 59' 30" West, 1496.51 feet from the Southwest corner of the West half of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence North 0° 24' East 638.87 feet to a 3/4-inch iron pipe, said point being the Northwest corner of that tract of land conveyed to James and Wilma Randolph by deed recorded in Book 308, Page 722, Linn County Deed Records; thence North 89° 59' 30" East 245.47 feet to a 1/2-inch iron rod, said point being the Southwest corner of that tract of land conveyed to Kenneth R. Ditzler by deed recorded in MF 106-45, Linn County Deed Records; thence North 0° 17' East 245.12 feet to the Northwest corner of said Ditzler tract; thence North 0° 35' 38" East 486.56 feet to a 1/2-inch iron rod, said point being South 0° 35' 38" West 30.0 feet from the Southwest corner of that tract of land conveyed to Carl Haima et ux by deed recorded in Book 314, Page 495, Linn County Deed Records; thence North 89° 22' East 338.98 feet; thence North 0° 17' East 30.0 feet; thence South 89° 22' West 338.89 feet to the Southwest corner of said Carl Haima tract; thence North 0° 31' 20" East 199.38 feet to a 5/8-inch bar; thence South 89° 18' East 76.57 feet; thence South 44° 18' East 25.29 feet; thence North 89° 22' East 243.97 feet; thence parallel to the center line of County Road No. 377 (Three Lakes Road) South 0° 17' West 1583.52 feet to a point on the South line of said Edward H. White DLC No. 48; thence along said South line of DLC No. 48 South 89° 59' 30" West 587.76 feet to the Point of Beginning.

Save and except that portion of the above described property lying within public streets and rights-of-way.

Said area containing 14.39 acres, more or less.



Community Development Department

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STAFF REPORT (Delayed) Annexations

<u>HEARING BODY</u>	ALBANY CITY COUNCIL
<u>HEARING DATE</u>	Wednesday, July 14, 2004
<u>HEARING TIME</u>	7:15 p.m.
<u>HEARING LOCATION</u>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

GENERAL INFORMATION

DATE OF REPORT:	July 2, 2004
FILE:	AN-04-04
TYPE OF REQUEST:	Annexation of 10 parcels totaling 14.4 acres. All of these properties are under delayed annexation agreements. In exchange for the right to develop their property, the owners petitioned for annexation when the property became eligible for annexation. When the property to the west was annexed in 2002, these properties became contiguous and eligible for annexation.
REVIEW BODY:	City Council
PROPERTY OWNERS:	Three Lakes Properties, LLC; Midway Plumbing, Inc.; Lynn and Gayle Abernathy; David E. Phillips; Dennis and Rita Pruett Enterprises; Emerson and Linda Smoker
APPLICANTS:	Same as property owners
ADDRESS/LOCATION:	Multiple addresses on west side of Three Lakes Road south of 18th Avenue
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-16; Tax Lot(s) 600, 703, 705, 706, 707, 708, 710, 712, 716, and 718
TOTAL LAND AREA:	14.4 acres
EXISTING LAND USE:	Light Industrial uses (see Ortho photo – Staff Report Attachment B)
EXISTING COMP PLAN DESIGNATION:	Light Industrial
PROPOSED ZONING:	LI (Light Industrial)
NEIGHBORHOOD:	East Albany
SURROUNDING ZONING:	City of Albany IP (Industrial Park) to the west; Linn County UGM (Urban Growth Management) to the north, south, and east. (City of Albany Comprehensive Plan Designation for adjacent UGM property is Light Industrial.)
SURROUNDING USES:	Large undeveloped parcel to the west; Light industrial uses to the north; single-family homes on large lots to the east; undeveloped fields to the south.

FINDINGS AND CONCLUSIONS
FILE AN-04-04

INTRODUCTION

On May 27, 1998, the City Council adopted policies and procedures for voter-approved annexation. The ordinance spells out the eligibility and timeliness criteria that the City Council must deem met before they refer an annexation request to the voters.

Listed below are findings and conclusions that address the review criteria. *Review criteria are listed in bold italics.*

REVIEW CRITERIA

ELIGIBILITY CRITERIA:

- A. The property is contiguous to the existing city limits.***

Finding of Fact:

1. When considered in total, the area is contiguous to the current city limits along the west property boundaries (See attached map labeled Attachment A).

Conclusion: This criterion is met because the group of subject properties is adjacent to the existing city limits.

- B. The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

Finding of Fact:

2. Plate 1 of the City's Comprehensive Plan shows the Urban Growth Boundary (UGB). All the parcels involved in this annexation proposal are within the Urban Growth Boundary (See attached map labeled Attachment A).

Conclusion: This criterion is met because the properties proposed for annexation are within the UGB.

TIMELINESS CRITERIA:

- A. An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.***
- a. "Urban services" means police, fire, and other city-provided services.***
 - b. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.***
 - c. "Adequate level" means conforms to adopted plans and ordinances.***
 - d. "Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided in a logical, economical, and efficient manner. Improvements for needed infrastructure may be secured by a development agreement or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.***

Findings of Fact:

Water

3. Water utility maps indicate that public water facilities do not exist adjacent to these parcels. The nearest public water main is located in Three Lakes Road approximately 950 feet north of the northernmost parcel proposed for annexation. The existing developments on these parcels are served by private wells.

4. The Water Facility Plan indicates the need for a future large-diameter water main along the frontages of the subject properties on Three Lakes Road.
5. In 1995, the City Council authorized a study (East I-5 Infrastructure Study) to identify potential public infrastructure improvements for this area. The study detailed an area of benefit and estimated assessment costs for property owners in the study area. The Council chose not to form a Local Improvement District.

Conclusion: This criterion is met because public water is not currently available to the subject properties, but the properties that are developed are served by individual wells. Public water improvements can be extended to serve these properties as further development occurs, or by forming a Local Improvement District.

Sanitary Sewer

6. Sanitary sewer utility maps indicate that public sanitary sewer facilities do not exist adjacent to these properties. A 21-inch public sanitary sewer main has been extended to the east side of Interstate 5 at 21st Avenue. This main is intended to serve this area when it is extended. The existing developments on the subject properties are served by private septic systems.
7. The Wastewater Facility Plan shows a future 15-inch main running along Three Lakes Road adjacent to the subject parcels.
8. In 1995, the City Council authorized a study (East I-5 Infrastructure Study) to identify potential public infrastructure improvements for this area. The study detailed an area of benefit and estimated assessment costs for property owners in the study area. The Council chose not to form a Local Improvement District.

Conclusion: This criterion is met because public sanitary sewer is not currently available to the subject properties, but the properties that are developed are served by individual septic systems. Public sanitary sewer improvements can be extended to serve these properties as further development occurs, or by forming a Local Improvement District.

Storm Drainage

9. The subject property lies within the Northeast Periwinkle Creek drainage basin. This basin gradually drains to the north and west, and is generally conveyed in open ditches/creeks with culverts at road and driveway crossings, until the flow is collected in the 66-inch pipe that runs along Queen Avenue. This Queen Avenue storm drain line discharges into Periwinkle Creek just west of Geary Street. Storm water from the subject properties is collected by the ditch on the west side of Three Lakes Road, and is carried to a channel along the south side of the Lawndale subdivision. The City's Storm Drainage Master Plan indicates no deficiencies downstream of this site.
10. Storm drainage system improvements are typically tied to street improvement work. The portion of Three Lakes Road adjacent to the subject properties is under the jurisdiction of Linn County. Any subsequent improvements to Three Lakes Road would need to incorporate storm drainage facilities in the design.

Conclusion: This criterion is met because the existing storm drainage system serving the existing uses on these parcels is adequate. Public storm drainage improvements along Three Lakes Road would be constructed with street improvements when the road is brought up to City standards. Road improvements can be made in association with further development in the area, or by forming a Local Improvement District.

Transportation

11. Each of the subject parcels takes its access from Three Lakes Road. The Albany Transportation System Plan (TSP) designates Three Lakes Road as a Minor Arterial. Three Lakes Road is built to County street standards and lacks urban amenities, such as curb and gutter and sidewalks. The portion of Three Lakes Road adjacent to the subject properties is currently under Linn County jurisdiction. The TSP shows Three

Lakes Road being realigned in the future to eliminate the sharp “S” curves at the south boundary of the subject parcels.

12. The area proposed for annexation lies partially within the Albany Airport Approach Zone. Certain restrictions exist for development within this zone. The restrictions pertain to issues such as building height, lighting, navigational interference, and noise sensitivity.

Conclusion: This criterion is met because the transportation system is adequate for the existing uses on the property. Linn County currently has jurisdiction over this portion of Three Lakes Road and would share authority regarding access issues for further development on these parcels. Road improvements can be made in association with further development in the area, or by forming a Local Improvement District.

Police & Fire Protection

13. There are no public water system improvements adjacent to the subject properties. The east side fire station is located on Three Lakes Road near 18th Avenue, just north of the subject properties.
14. Because the subject property is contiguous to the city limits, and because nearby properties north of this site are served, police service to this property would be a logical extension of the current patrol boundaries.

Conclusion: This criterion is met because police and fire service to this property would be a logical extension of the current service boundaries.

- B. Sufficient planning and engineering data has been provided and all necessary studies and reviews have been completed such that there are no unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances.***

Findings of Fact:

15. This annexation request is for approximately 14.4 acres. The Comprehensive Plan Map designation is Light Industrial. City staff is recommending that the properties be zoned LI (Light Industrial) upon annexation, which is in conformance with the Comprehensive Plan.
16. Public infrastructure facility plans that deal with this area include: Wastewater Facility Plan completed in 1998; Storm Drainage Master Plan completed in 1988; Transportation System Plan completed in 1997. The City’s existing Water System Facility Plan was completed in 1988, but a new version is currently being developed. In addition to these city-wide master plans, a more detailed East I-5 Infrastructure Study was prepared in 1995 to address the recommended infrastructure needs for this specific area.

Conclusion: This criterion is met because of the information provided in the various studies and plans covering this area.

- C. The City shall attempt to discourage islands or enclaves of unincorporated territory surrounded on all sides by the City.***

Finding of Fact:

17. Annexation of the subject properties would not create an island.

Conclusion: This criterion is met because no island would be created by this annexation.

- D. The City Council may consider, at its discretion, any other factor which affects the timeliness or wisdom of any particular annexation petition.***

18. Each of these parcels are subject to a Delayed Annexation agreement which states that the City agrees to consider the property for annexation at such time as the property may become contiguous to the corporate boundaries of the City. With the recent annexation of the Kempf property to the west, these combined parcels are now contiguous and eligible for annexation.

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AN-04-04
Staff Report
Attachment B
"Ortho Photo"

INTERSTATE 5

City Limits

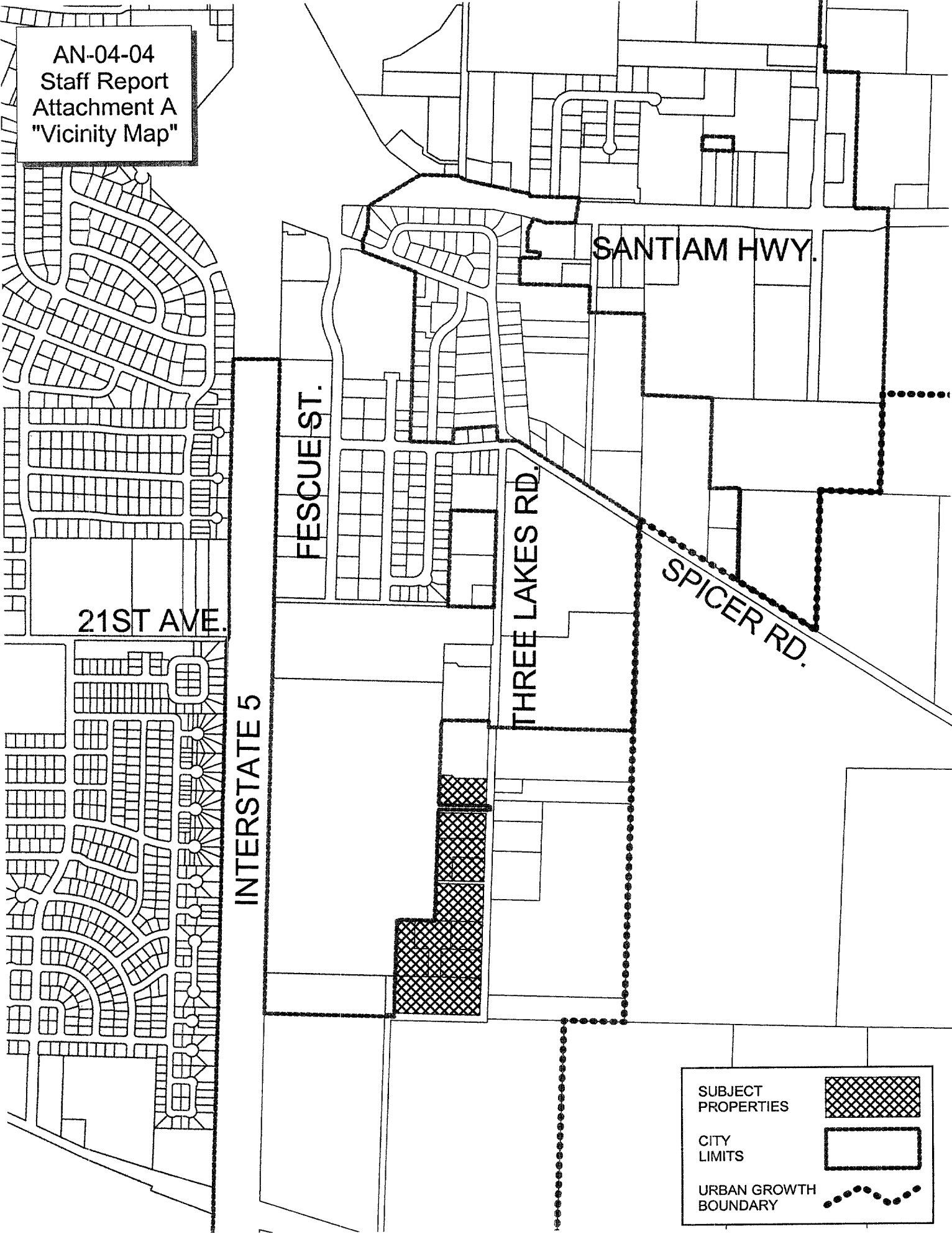
Subject
Properties



THREE LAKES RD.

Urban Growth Boundary



AN-04-04
Staff Report
Attachment A
"Vicinity Map"



SUBJECT PROPERTIES	
CITY LIMITS	
URBAN GROWTH BOUNDARY	