

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 266 ACRES OF PROPERTY LOCATED SOUTH OF LEHIGH ACRES, EAST OF WAVERLY DRIVE, NORTH OF GRAND PRAIRIE ROAD, AND WEST OF INTERSTATE 5 AS R-1(8) INTERIM ZONING AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4338 adopted on the 23rd day of January, 1980, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 13th day of February, 1980, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are hereby adopted and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The following described property to-wit:

(See attachment)

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned on an interim basis as R-1(8) Single Family Residential until such time as the Comprehensive Plan has been revised and recommendations made.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4338, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation, report this annexation to the County Clerk and to the County Assessor Linh County, Oregon.

Section 4: Conditions.

1. That the zoning would be reviewed by the Planning Commission upon completion of the Comprehensive Plan policies and land use map designations for this area on its own motion and that the Planning Commission would initiate rezoning of this area to bring it into conformance with the Plan or that the applicant can submit for the rezoning upon completion of the Comprehensive Plan, whichever comes first.
2. That the condition of the staff report be incorporated, i.e., roads within this area will not be accepted by the City until brought up to city standards.
3. Sufficient right-of-way will be dedicated to the City to achieve a 60-foot right-of-way width on 21st Avenue adjacent to the Fahndrich/Roberts property and that the remainder of that property adjacent to the Fahndrich/Roberts property on the south side owned by Landwest be transferred to the Fahndrich/Roberts property.

Section 5: Effective Date. This ordinance shall be effective upon the occurrence of the following two conditions:

1. Submission by the applicant of waivers of remonstrance, petitions for improvement, and easements as necessary for the construction of the storm sewer improvement system as proposed by the applicant at the 2/27/80 city council meeting and that existing drainage patterns along the northern and western boundaries of Exhibit A would be altered by ditching (after crops are removed in 1980 season) so that all surface water within proposed drainage area would be rerouted to inlet of 60-inch storm drainage extension within ninety days of passage of this ordinance; and
2. The lapse of not fewer than 30 days from passage of this ordinance.


Passed by the Council: March 12, 1980

Approved by the Mayor: March 12, 1980

Effective Date: June 12, 1980

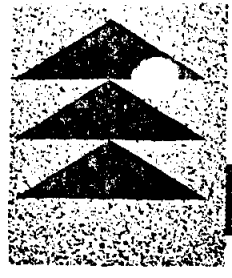
Richard S. Olsen
Mayor

ATTEST:


City Recorder

*Rec'd
7-1-80
2-011*

*Finding for
Condition #3*



TIMBERLAND

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD - P. O. BOX 668 - ALBANY, OREGON 97321

**PROPOSED FINDINGS FOR WAVERLY GRAND PRAIRIE
ANNEXATION REGARDING LAND CONSERVATION AND
DEVELOPMENT COMMISSION ADMINISTRATIVE RULE III**

Because this area is in close proximity to existing public facilities, particularly sanitary sewer, these necessary services can be extended to serve this area at a reasonable cost.

Need

The area under consideration is subject to periodic inundation and septic tank failure.. This condition is created by a combination of relatively flat terrain and soil conditions which create a perched water table. Malfunctioning of on site septic systems has been observed by members of the Linn County Department of Health Services. There exists an immediate need for proper storm and sanitary sewer engineering and construction.

The proposed annexation allows for the best available solution to this storm drainage and sanitary sewer problem by allowing the installation of storm and sanitary sewers and the connection of residences to these systems.

The proposed annexation is within the adopted preliminary urban growth boundary. The entire annexation area is designated for urban use.

There is a total of 54.62 acres proposed for multiple family zoning south of 21st Avenue consisting of:

approximately 46 acres of R-2 in the southeast part of the annexation area and approximately 8 acres of R-3. The R-3 zoning is divided roughly in half with one portion adjacent to the existing mobile home park at the northern end of Center Street, and half proposed adjacent to the future commercial site.

There is a neighborhood (C-1) commercial site of 5.7 acres proposed within the annexation area at the intersection of 21st Avenue and the future extension of Center Street. An additional 2 acres of residential-professional zoning is proposed immediately to the west of the neighborhood commercial site to provide for neighborhood professional services. This is currently designated urban residential on the Comprehensive Plan and would have to be changed to "Business Commercial."

FINDINGS - IN FAVOR

The applicant has provided findings in favor of the proposed annexation Zoning and Comprehensive Plan amendment in his report entitled "Facts, Findings and Exhibits for Waverly-Grand Prairie Triple 50% Annexation to the City of Albany." In addition, it can generally be stated that annexation of this area would be an orderly step in the expansion of the City limits to include areas for future urban residential development.

FINDINGS - OPPOSED

1. The City is currently experiencing a housing market slow-down that has left serviced lots unbuilt, and existing constructed units vacant. Long term forecasted growth rates for the City indicate a need for additional developable land within the City limits; but short term demand for additional housing within the Albany Urban Growth Area at this time is extremely low.
 2. Annexation of the proposed area would leave one unincorporated "island" surrounded by the City between 24th and 28th Avenues, along Waverly Drive. "Island" annexations are not subject to "consent" requirements and can be annexed by the City at any time. The property owners in the island area have not signed the annexation petition circulated by the applicant, and it can be anticipated that they do not desire to be annexed. Leaving the island unincorporated creates difficulties to those agencies providing public services to the area, especially in terms of street maintenance and police protection. In a letter dated November 13, 1979, the Linn County Planning Director indicates that this annexation, the County Board of Commissioners recommend "that at the time of annexation no islands be created."
 3. Regarding the City's tax base, residentially zoned property is the least productive compared to industrial or commercial property in terms of the costs of providing public services compared to the revenues they generate. It can be expected that ^{regarding} this annexation will not reduce the proportion of property taxes paid by residential properties in the City. Annexation of this area will not alleviate the City's current fiscal hardship situation; it may be that this annexation would worsen the City's fiscal situation.
- Most of the existing streets in the annexation area do not meet City standards in terms of having curbs, gutters, sidewalks and an adequate depth of pavement. Those streets that have been dedicated to the County in sub-City standard condition would not be accepted by the City for maintenance purposes until after they have been brought up to standard at the expense of the benefiting adjacent property owners.

5. The location of the school site at the intersection of the two primary neighborhood collectors may be inappropriate and may conflict with Comprehensive Plan Recommendation Number 19 which states that "Grade schools should not be constructed along arterial roads."
6. Residential development abutting the freeway right-of-way will require special sound buffering to reduce the impact of highway noise pollution in the neighborhood.

CONDITIONS

That the dedicated streets within the annexation area not be accepted by the City for maintenance until they have been brought up to City standards at the expense of the affected property owners.

Recommend to the City Council that this annexation be approved based on the findings submitted by the applicant, both written and as presented at this meeting (12/17/79) and zoned as R-1(8) single family residential area with the annexation and zoning subject to the following conditions:

- (1) That the Council review this annexation recommendation for its impact on the City's ability to provide public services to the annexation area at the present time since it is the feeling of this Planning Commission that we are not able to adequately determine that impact at this time - that is a Council decision. But in the interests of good planning for the area that the annexation is most appropriate.
- (2) That the zoning would be reviewed by the Planning Commission upon completion of the Comprehensive Plan policies and land use map designations for this area on its own motion and that the Planning Commission would initiate rezoning of this area to bring it into conformance with the Plan or that the applicant can submit for the rezoning upon completion of the Comprehensive Plan, whichever comes first.
- (3) That the applicant provide written findings to show full compliance with the annexation policy of the LCDC, more or less summarizing the findings that have been presented already but following the format of LCDC.
- (4) That the condition of the staff report be incorporated, i.e. rights-of-way within this area will not be accepted by the City until brought up to City standards.

TIMBERLAND

Services, Inc.

(803) 828-9404

1010 AIRPORT ROAD -- P. O. BOX 688 -- ALBANY, OREGON 97921

EXHIBIT "A"

October 29, 1979

WAVERLY-GRAND PRAIRIE ANNEXATION

Legal Description

Beginning at a point which is the southeast corner and initial point of EASTGATE PARK SUBDIVISION in the City of Albany, Linn County, Oregon; said point also being on the west right-of-way of Interstate Highway 5;

and thence running South $88^{\circ}40'30''$ West along the south line of EASTGATE PARK SUBDIVISION a distance of 1477.65 feet to the northwest corner of that tract of land described in microfilm volume 91, page 681 of the Deed Records of Linn County, Oregon;

thence South $01^{\circ}26'$ East 858.63 feet to a point on the north line of that tract described in book 161, page 326 of the County Deed Records;

thence South $88^{\circ}40'30''$ West along said north line and the westerly extension thereof 490 feet, more or less to the northwest corner of that tract described in book 294, page 483 of the County Deed Records;

thence South $01^{\circ}39'$ East 75.00 feet;

thence South $88^{\circ}45'$ West 563.00 feet;

thence South $01^{\circ}39'$ East 136.34 feet to the north right-of-way of 20th Avenue;

thence South $88^{\circ}45'$ West along said north right-of-way 124.70 feet to the east right-of-way of Waverly Drive;

thence North $01^{\circ}39'$ West along said east right-of-way 322 feet, more or less, to a point which is North $89^{\circ}58'$ East from a 1/2 inch iron rod on the west right-of-way of Waverly Drive, said rod also being on the north line of that tract described in book 259, page 393 of County Deed Records;

thence South $89^{\circ}58'$ West across Waverly Drive to said 1/2 inch iron rod;

thence continuing South $89^{\circ}58'$ West along said north line 225.00 feet to a point on the east line of Block 1 of BRITWOOD SUBDIVISION in the City of Albany;

thence South 01°39' East 657.58 feet to a point which is on the north line of that tract described in book 173, page 211 of County Deed Records, said point also being North 01°39' West 881.1 feet and South 89°53' West 260.00 feet from the southeast corner of the L. C. Burkhart D.L.C. No. 50 in Township 11 South and Range 3 West of the Willamette Meridian, Linn County, Oregon;

thence South 89°58' West along said north line to the northeast corner of that tract described in microfilm volume 122, page 648 of County Deed Records;

thence South 01°50'20" East 365.16 feet to the south line of said tract described in book 173, page 211;

thence North 89°58' East along said south line to the west right-of-way of Waverly Drive;

thence South 01°39' East 354.3 feet along said west right-of-way to a point on the north line of that tract described in microfilm volume 174, page 454 of County Deed Records said point also being the southeast corner of Lot 28, Block 2 of ERMINE PARK SUBDIVISION in the City of Albany;

thence North 89°51' West along said north line to the northwest corner of said tract;

thence South 01°39' East along the west line of said tract 81.22 feet;

thence South 89°49' East along the south line of said tract to the west right-of-way of Waverly Drive;

thence South 01°39' East along said west right-of-way 210 feet, more or less, to a point on the north line of that tract described in microfilm volume 186, page 432 of County Deed Records, said point also lying on the south right-of-way of 23rd Avenue;

thence South 89°49' East along said south right-of-way to the northwest corner of said tract, being also the northeast corner of Lot 1, Block 2 of KRIBS FIRST ADDITION;

thence South 01°39' East along the west line of said tract 80.10 feet to the southwest corner thereof;

thence South 89°49' East along the south line of said tract and the easterly extension thereof to the east right-of-way of Waverly Drive;

thence South 01°39' East along said east right-of-way to a point on the south line of that tract described in book 259, page 537 of County Deed Records, said point lying South 89°04' West 5.00 feet from the northwest corner of Block 5 of FIRST ADDITION TO KENWOOD SUBDIVISION, Linn County, Oregon;

thence North 89°04' East along the north line of said Block 5 452.50 feet to the northeast corner thereof;

thence South 01°39' East along the east line of said Block 5 and the southerly extension thereof 149.14 feet to the centerline of 27th Avenue, a 50 foot roadway;

thence North 89°04' East along said centerline 363.02 feet to a point on the northerly extension of the east line of Block 8 of said FIRST ADDITION TO KENWOOD SUBDIVISION;

thence South $0^{\circ}23'20''$ East along said northerly extension and east line 153.00 feet to the southeast corner of Lot 4 of said Block 8, which point also being on the west right-of-way of Shortridge Street;

thence South $89^{\circ}04'$ West along the line bisecting said Block 8, its westerly extension across Bain Street and the line bisecting Block 7 of said FIRST ADDITION TO KENWOOD SUBDIVISION 832.69 feet to the east right-of-way of Maverly Drive;

thence South $01^{\circ}39'$ East along said east right-of-way 179.00 feet to a point on the south line of and north $89^{\circ}04'$ East 40.00 feet from the southwest corner of the Anderson Cox D.L.C. No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being the initial point of said FIRST ADDITION TO KENWOOD SUBDIVISION;

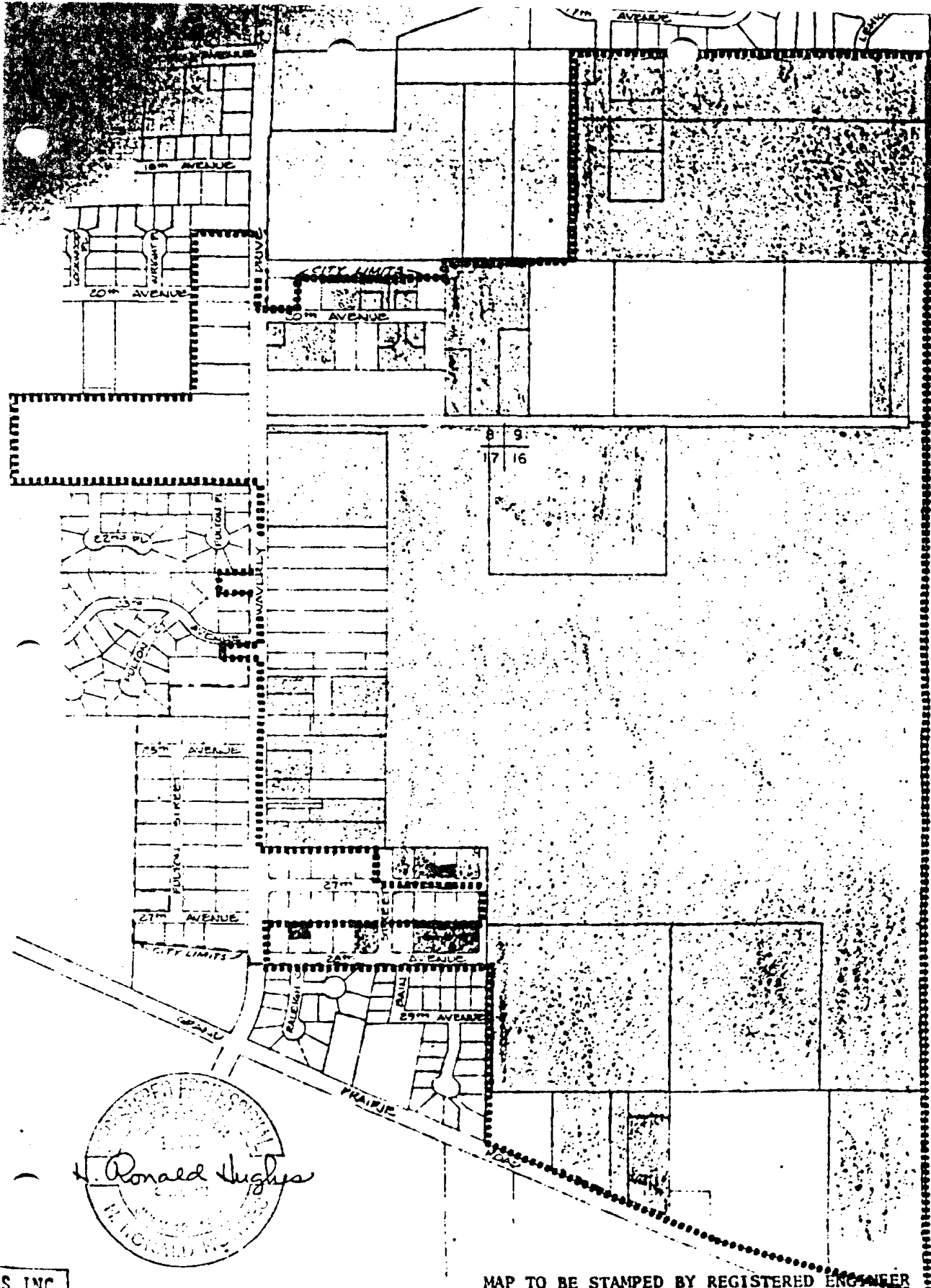
thence North $89^{\circ}04'$ East along the south line of said Claim 858.75 feet to the east line of Section 17 of said Township and Range;

thence South $00^{\circ}28'20''$ East along said east line 520.95 feet to the southeast corner of the northeast quarter of said Section 17;

thence South $00^{\circ}06'39''$ West along said east line 234.87 feet to the northerly right-of-way of Grand Prairie Road;

thence southeasterly along said northerly right-of-way to the west right-of-way of Interstate Highway 5;

thence northerly along said west right-of-way to the true place of beginning.



5

INTERSTATE

25

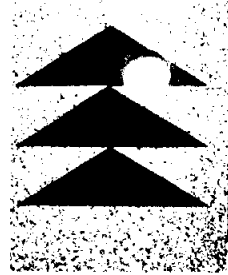
H. Ronald Hughes

ES. INC.

MAP TO BE STAMPED BY REGISTERED ENGINEER

Rec'd
2/25/80

AA



TIMBERLAND

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD - P O BOX 668 - ALBANY, OREGON 97321

February 25, 1980

Mr. Richard Olsen
City Hall
Albany, Oregon 97321

Re: Annexation 10-79

Dear Mr. Olsen and members of City Council:

In response to your request for a proposal to solve the immediate storm drainage problem in this annexation area, we offer the following specific outline:

- 1) The Council add as a condition for annexation that a waiver of remonstrance and a petition of improvement be signed for an approximately 110 acre area as outlined in Exhibit A. The final boundaries to be determined by Engineering Staff to conform to existing planning area boundaries.
- 2) The improvement would include the extension of an existing 60" storm drainage line from the east right-of-way of Waverly Drive easterly to the west line of Land West Development holding (approximately 450').
- 3) Existing drainage patterns along the northern and western boundaries of Exhibit A would be altered by ditching (after crops are removed in 1980 season) so that all surface water within proposed drainage area would be re-routed to inlet of 60" storm drainage extension.

This proposal would bring storm drainage improvements to the largest area practical at this time and would be able to be integrated into whatever development pattern is proposed for this area in the future. There would be no benefit at this time in further extension as future street patterns are still unknown. With this improvement, surface water drainage problems to property owners north of 21st Avenue would be greatly reduced. Property owners adjacent to Waverly Drive would also be benefited by reducing overland flow from this property.

Sanitary sewage problems will not be directly benefited by this proposal, but with annexation those people who wish may hook up to the city services at normal rates. Most of the property owners along 27th Avenue, 28th Avenue and Waverly Drive who have signed the annexation petition have expressed that desire.

We hope that this letter, along with our input at the last meeting, will be sufficient to answer your questions. Should you desire any additional information, please don't hesitate in contacting our office.

Sincerely,

TIMBERLAND SERVICES, INC.

A handwritten signature in black ink that reads "Ken Wightman". The signature is written in a cursive style with a large, prominent "K" and "W".

Kenneth M. Wightman
President

KMW:plg

February 27, 1980

Mr. Richard Olsen
City Hall
P. O. Box 490
Albany, Oregon 97321

Dear Mr. Olsen and Members of the City Council:

My brother and I have recently purchased the property of John and Elizabeth Fahndrich at the corner of 21st Avenue and Waverly Drive under contract (TL 100 11-3W-17A). We have been contacted by representatives of Land West Development, Inc. about providing a storm drainage easement to the City of Albany for construction, installation, usage and maintenance for a 60" storm line to serve properties to the east of our ownership.

We have no objection to granting a 50' construction and a 10 to 15 foot maintenance easement for that purpose providing the following items are addressed:

1. All costs for the proposed system be paid for either by the proposed drainage area owners as shown on attached map or Land West Development,
2. Engineering drawings be approved by City of Albany staff and designed so that our property be allowed access to this line at no cost to us if needed,
3. No lien shall be allowed to be placed on our property for this improvement.

We have also expressed our concerns to Land West Development, Inc. that we currently do not have access to 21st Avenue because of Tax Lot 101 11-3W-17A. Land West has agreed to deed this to us free and clear with the understanding that we execute a waiver of remonstrance and a petition for improvements to 21st Avenue and that we would be responsible for our share of the improvement costs.

Thank you for your attention and we hope that this will be sufficient for you to act and annex this entire area. My brother and I realize that this agreement is contingent upon gaining the consent and the easement granted from Mr. and Mrs. John Fahndrich who are still the deed owners.

Sincerely,


Allen Roberts

Copy

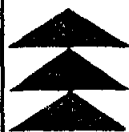
FACTS, FINDINGS & EXHIBITS

FOR

WAVERLY-GRAND PRAIRIE

TRIPLE 50% ANNEXATION

TO THE CITY OF ALBANY



TIMBERLAND SERVICES, INC.

1010 Airport Road P.O. Box 668

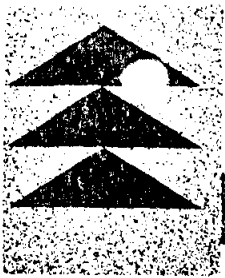
Albany Ore. 97321

Ph. (503) 926-9404

SURVEYING · ENGINEERING

LAND USE PLANNING

FORESTRY CONSULTING



TIMBERLAND

*James
for 2.16.6
Annexation*

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD - P. O. BOX 668 - ALBANY, OREGON 97321

October 19, 1979

Mr. Steve Bryant
Planning Director
City of Albany
City Hall Annex
Albany, Oregon 97321

RE: Robert Hoag's Proposed Waverly-Grand Prairie Annexation

Dear Mr. Bryant:

Because of the size of the area and number of property owners involved in this annexation request, we foresee that some modification may be made by the Planning Commission and/or the City Council prior to annexing this property to the City of Albany. Modifications might effect both the annexation boundary and/or the proposed zoning designations. To avoid duplication of effort it is my intention, if it is agreeable, to defer submitting the required census material until a final boundary is defined. The census information would be submitted prior to the final reading of the ordinance annexing this area. This would also insure that the City would be receiving the most current data.

Also, as zone classifications may be modified, I would request that the required legal descriptions for zone areas be deferred until such time as there would be little or no possibility of modification. These descriptions would also be submitted prior to the final reading of the ordinance annexing this property.

In lieu of the legal descriptions, a scale map indicating the proposed zoning designation, the relative location and area in acres has been submitted. This map is to be used until any potential revisions to the proposed zoning are made.

I trust that this procedure is acceptable.

Sincerely,

TIMBERLAND SERVICES, INC.

JON R. WAGNER
Planning Director

JRW/dee
enc.

WAVERLY GRAND PRAIRIE ANNEXATION

TABLE OF CONTENTS

- SECTION 1 - GENERAL SUMMARY OF REQUEST
- SECTION 2 - PROPOSED SUMMARY OF FINDINGS RELATED TO STATEWIDE PLANNING GOALS AND GUIDELINES
- SECTION 3 - BACKGROUND OF PREVIOUS CITY ACTIONS RELATING TO THIS REPORT
- SECTION 4 - STATEMENT OF PUBLIC NEED
- SECTION 5 - COMPLETE FINDINGS RELATING TO STATEWIDE PLANNING GOALS AND GUIDELINES
- SECTION 6 - EXCEPTION REQUEST GOAL 3 - AGRICULTURAL LANDS AND GOAL 4 - FOREST LANDS
- SECTION 7 - CRITERIA FOR SITING COMMERCIAL AREA

APPENDIX

- A1 - Population and Density Calculations
- A2 - Letters From Utility Companies Indicating Area Can Be Served
- A3 - Letters Regarding High Ground Water Table and Septic Tank Future Potential

MAPS

- #1 - Proposed Zoning and Conceptual Street Plan
- #2 - Adopted Conceptual Street Plan
- #3 - Existing Sanitary and Storm Sewer Lines
- #4 - Existing Waterlines
- #5 - Soil Types
- #6 - Property Owners Signing Annexation Petition

WAVERLY GRAND PRAIRIE

GENERAL SUMMARY OF ANNEXATION REQUEST

The area under consideration is located generally east of Waverly Drive, North of Grand Prairie Road and West of Interstate 5. The total annexation request encompasses approximately 266 acres. Of that, approximately 44 acres is either developed or partially developed. The remainder of the area is vacant. There are 62 existing dwelling units which would be effected by this annexation.

The proposed zoning for the area reflects the current and projected needs of Albany's citizens. Of the total area, 245 acres or 92% is proposed for residential use. Approximately 163 acres are proposed for R-1 (6), 23 acres for R-1 (8), 5 acres for R-1 (10), 49 acres for R-2 and 8 acres for R-3. The zoning of the 10 acre site owned by the Greater Albany Public Schools System has not been included in these calculations, nor has the property owned by the Seventh Day Adventist Church or that portion of Lehigh Park which is within the requested annexation. It is customary to zone property for these uses Residential. However, these are not anticipated to be converted to Residential use and were therefore not included in the calculations.

Other zoning proposed for this area includes a 6 acre neighborhood commercial site and a 2 acre residential professional site. These are located centrally within the proposed annexation. Their function is to meet the needs of the areas future residents and those adjacent to the proposed annexation.

As noted, the area contains a 10 acre school site. This too is centrally located within the area and will serve the future need of this area.

The conceptual street plan for this area adopted by the City Council in November of 1977 has been incorporated into the design of this area.

SECTION 2 - SUMMARY OF FINDINGS (For complete findings see Section 5)

FINDINGS

1. Citizen Involvement

Citizens have been and will continue to be afforded the opportunity to be involved in the planning process.

2. Land Use Planning

Land use planning has been and will continue to be employed in this area.

3. Agricultural Lands

This area is within the approved preliminary urban growth boundary. The area is designated for urban and not agricultural use.

4. Forest Lands

This goal is not applicable to this area.

5. Open Spaces, Scenic and Historic Areas and Natural Resources

No existing open spaces, scenic and historic areas nor any natural resources will be adversely affected by the annexation and development of this area.

6. Air, Water and Land Resources Quality

Air, water and land resources quality will not be adversely impacted by the annexation and development of this area.

7. Areas Subject to Natural Disasters and Hazards

There is no known potential for natural disasters or natural hazards associated with this area which would preclude development.

8. Recreational Needs

There currently exists in the public and private sector the mechanism to insure that future recreational needs can be accommodated.

9. Economy of the State

The proposed annexation, rezone and subsequent development of this area will have a beneficial impact on the State and local economy.

10. Housing

This area is necessary to insure that the housing needs of future residents will be met.

11. Public Facilities and Services

Public facilities and services can be extended and expanded to accommodate development in this area.

12. Transportation

The transportation needs of this area can be served. A road network plan for this area has been adopted which has been incorporated into the proposed development plan. Annexation would allow existing residents to use the Albany Transit Systems facilities.

13. Energy

This annexation would minimize energy demand both in construction and transportation by consolidating growth near existing public facilities, traffic generators and near major transportation corridors.

14. Urbanization

The area is totally within the preliminary Albany urban growth boundary. There are currently public facilities adjacent to the area. In some cases these facilities have already been extended. Portions of the area are urban, the remainder of the area is required to allow choice in the various land use needs in the market place. This annexation meets the LCDC goal requirements.

SECTION 3 - BACKGROUND

Several of the City of Albany Councils have emphasized the need to consider this area for annexation as a unit rather than in a piecemeal fashion. The records of City Council meetings concerning this area have always stressed this need. In April of 1977, when reviewing a requested annexation for property located on 20th Avenue east of Waverly Drive, the Council voted to uphold the Planning Commission's recommendations to deny the requested annexation. This recommendation, was in part, based on the findings presented by the Planning staff. One of the major adopted findings of that report was that "the subject properties and adjoining area should be annexed and zoned on a master plan approach".

In November of 1978, when considering the annexation of the Fahndrich property located at the southeast corner of Waverly and 21st Avenue, the City Council restated the need for annexation and planning for the entire area east of Waverly Drive. Mr. Jean reaffirmed that the "Council voted to deny the annexation until the entire area east of Waverly could be annexed at once and the drainage problem could be solved". Mr. Jean also stated that this area should not be piecemealed; it should be considered at one time; there should be total planning for this whole area. The request was subsequently sent back to the Planning Commission.

In February of 1979, when again considering the 21st and Waverly Drive property, Mr. Jean stated "the understanding was that we were not opposed to the annexation, but we wanted to get a master plan for the whole area, i.e., sizing of sewer lines, storm drain lines, street, to

have a good total development plan". The Council has stated and re-stated the need to consider this entire area all at one time.

There are several topics of concern in dealing with this particular area. The Council has adamantly maintained that these concerns can only be properly resolved by planning the development of the entire area comprehensively rather than on a fragmented approach. Of the problems confronting a City, storm drainage is one of the most difficult to resolve on a piecemeal basis. The incremental increase of impervious surfaces and concomitant increase in runoff brought about by construction of individual units taken separately have an insignificant impact on the overall storm drainage flow. However aggregated, these minor impacts can create major storm drainage problems.

This area is particularly prone to storm drainage problems. A report from the SCS dated July 25, 1979 referring to the property proposed for annexation, indicated "the major problem to be overcome is the removal of surface and subsurface water. By removing this water around house foundations and in road right-of-ways, fewer foundation and road problems will occur".

During the course of public hearings held for requested annexations in this area, there has been much public testimony given regarding the existing storm drainage situation. At the April 27, 1977 City Council hearing on the proposed annexation of the area at 20th and Waverly Drive, Mr. Banta indicated that "Mr. Smith and the City have been trying to solve the storm drainage problem at the trailer court off of Waverly". This drainage area is a portion of the proposed annexation. At the February 14, 1979 meeting regarding the storm drainage situation in

this area Mr. Hickey stated "the best approach to it is to consider the whole area which is contributing to the drainage to get a master plan".


There clearly is a drainage problem in this area. There is also a need to consider the entire area as one unit, to properly plan and implement the necessary storm drainage improvements in order to alleviate an existing runoff problem and to insure that future development can be adequately accommodated.

A second and potentially more serious problem related to the drainage characteristics of the area is that of sub-surface sewage disposal. Those areas which are developed but are outside the City limits are currently using septic tanks for sewage disposal. There have been three contract annexations approved (6/14/78) on 28th Avenue. These were requested because the existing septic tank systems had failed. It then became necessary to obtain City services.

The Soil Conservation Service classifies this entire area as having severe limitations for sub-surface sewerage disposal. The Linn County Department of Health Services also indicates that this area is rated as severe for septic tanks. There are currently in excess of 70 homes on septic tanks in this area. (Included are homes outside the proposed annexation). There have been several system failures and others which are anticipated to malfunction. As pointed out by the Linn County Department of Health Services, "repairing septic systems in this area is futile due to this severe condition. Every winter those repaired systems would fail". (see appendix A3) There currently exists a need for City sewer systems in this area. Not only to combat a potential health hazard created by the existing septic systems but

to insure the proper development of the existing undeveloped land.

The situation in this area may be compared to the Draperville area. In Draperville, the area was allowed to develop using septic tanks. These eventually failed, contaminating the aquifer making well water hazardous. The situation here differs in that the Waverly Grand Prairie area is on the Pacific Power and Light Water Systems. The aquifer is still being contaminated but the results are not as evident since the contaminated water is not being used for human consumption. The same pollution of the water table is occurring although it is not being as readily observed.



SECTION 4 - PUBLIC NEED

There is a public need for developable land close to the central portion of the City. Intense commercial development is occurring in the area between 14th Avenue and Santiam from Waverly Drive to Geary Street. As this area continues to develop and as energy for transportation becomes more of a concern, people will desire homes within walking distance or short drives from shopping areas. This area would provide for the future development needs of a growing community. Studies indicate that Albany is projected to grow at an average annual rate of between 3% and 6% from now until 1990. As stated in the CH2M Hill Albany Housing Study (October, 1978) Potential for Growth 3-19, "there appears to be a significant potential for growth in Albany and no major limiting factors. Land is available for both commercial and industrial sector expansion. Rail and interstate highway access is excellent. There is a diversified labor force of skilled and well educated workers. In addition, there is considerable interest in and future opportunity for renewal activities in the downtown area".

In addition to these favorable internal conditions, there are also external conditions that may have a positive impact on Albany's growth potential. As indicated in the Albany Housing Study, "At present, there is a relatively large (and probably expanding) group of people who work in communities surrounding Albany where housing is not available in sufficient quantity to accommodate them. In Millersburg, for example, 60% of the City has been designated for industrial use. The lack of public facilities and appropriate land resources makes it unlikely that all or even most of the existing or

future industrial workers could be housed in Millersburg."

These statements indicate that although the rate of population increase may fluctuate from year to year, the overall average growth rate will continue. This is due not only to internal factors but also external factors. The CH2M Hill Albany Housing Study indicates that the 1990 population of Albany is projected from a low of 37,290 by limiting or discouraging growth to a high of 46,960 by encouraging growth. By accommodating anticipated growth the projected Albany population for 1990 is 41,870.

At the minimum projected increase, the population of Albany will increase by over 10,000 people within the next decade. There is now a need to plan for accommodating these future residents. Planning is mandatory to avoid the unnecessary and costly retrofitting of public improvements in developed areas.

The area under consideration is anticipated to take from five to ten years to develop. Because of the existing physical characteristics of the area, i.e. soils and topography, it is necessary to plan and engineer this area as a unit in a comprehensive manner. To insure that the proper facilities are installed, it is mandatory that this area be annexed to the City.

This area can best meet the need to accommodate future growth of Albany. It has locational advantage over other areas within the approved preliminary urban growth boundary. This area is in close proximity to major existing and proposed retail commercial facilities. The area accesses to designated arterials; Waverly Drive and Grand

Prairie Road and proposed future collectors. Sanitary sewer is available and can be extended to the area, Water from Pacific Power and Light is already available to many of the existing residents of the area. This could be extended to service the remainder of the property. Because this area is nearer to existing facilities than many of the outlying areas it would be less expensive from a monetary as well as an energy standpoint to annex and develop this area prior to these others.

SECTION 5 - LCDC GOALS STATEMENT; PROPOSED FINDINGS

Citizen Involvement

Through the various hearings and public meetings required for the annexation and zoning of the area under consideration, citizens will be afforded the opportunity to be involved in the planning process. The Albany Zoning and Land Use Regulations require that property owners within 500 feet of the area proposed for annexation and zone change be notified of the time, place and date of public hearing to consider the matter by the Planning Commission. Further, a public hearing is required before the City Council. Notice advertising this hearing must be published 3 times in the local newspaper 5 to 15 days prior to the scheduled hearing. These hearings relate to the site specific of the area. More generalized input was gathered at the time of the adoption of the comprehensive plan and the urban growth boundary. The comprehensive plan designates the area as urban residential. The urban growth boundary indicates that this area is suitable and desirable for urbanization. Numerous public hearings were held on these policy documents prior to their adoption.

A more personalized approach to citizen involvement was employed during the course of circulating the petition for annexation. Various members of the Timberland Services, Inc. staff endeavored to contact every property owner in person. Where this could not be arranged, property owners were contacted by telephone or by mail.

Land Use Planning

Land use planning is now under way for the entire City of Albany urbanizing area. The LCDC sponsored comprehensive plan is to be completed by July of 1980. The existing City comprehensive plan indicates this area for urban residential. The majority of the proposed request is in conformance with the existing comprehensive plan.

Agricultural Lands

All of the lands within this proposed annexation are within the urban growth boundary. The soils capabilities for agriculture as designated by the U. S. Department of Agriculture, Soil Conservation Service for this area are II, III, and IV. Of the approximately 267 acres within the proposed annexation, 38 acres is Amity Silt Loam (class II), 146 acres is Concord Silt Loam (class II), 23 acres is Dayton Silt Loam (class IV), and 60 acres is Woodburn Silt Loam (class III). In terms of percentages, 21.9% of the area is class II, 68.6% is class III and 9.5% is class IV. (An exception has been filed).

Forest Lands

The lands within the proposed annexation are not presently forested. According to data supplied by the USDA Soil Conservation Service OR-SOILS-1, 63.5% of the area is not suitable for woodlands, 14.5% of the area has a woodland suitability of 3-W, and 22% has a woodland suitability rating of 2%. All of this area is within the urban growth boundary. However, as this boundary has not been acknowledged by LCDC a requested exception to the forest lands goal has been filed with this request.

Open Space, Scenic and Historic Areas, and Natural Resources

There are no known documents which indicate that any portion of this area should be maintained as a natural area or open space (park lands is addressed in the narrative on goal 8, Recreation). There are no mineral resources known in this area. The S. C. S. SOILS OR-1 data indicates that the soils found in this area are not suitable for gravel or sand resources. There are no known energy sources within this area. The 1970 census information does not indicate any area within the proposed annexation as being characterized as ethnic. There are no known social or religious groups with distinctive traits, beliefs and/or social

forms residing within the proposed annexation,

This area is not a major wildlife habitat. Nor could it be considered a natural or wilderness area as defined in the Oregon Land Conservation and Development Commission Statewide Planning Goals and Guidelines. This area does not appear to be of ecological or scientific significance.

Historic

There is, according to members of the Albany Planning Department staff, one house within the proposed annexation which qualifies as historic. This house, located at 2211 Waverly Drive, has been classified as of secondary significance. The house is a Queen Anne style, probably constructed in the last quarter of the 19th century. There are no development plans associated with this annexation which would preclude preserving this structure.

Air, Water and Land Resource Quality

The area proposed for annexation is intended to be placed in urban usage. However, no industrial facilities are envisioned. Any long term sources of air pollution would be expected from automobiles or home heating systems. Short term sources, such as dust and other particulates, could be associated with construction and development of the area. These pollution sources are monitored by the Department of Environmental Quality, or the Environmental Protection Agency.

Albany has a level of air quality which meets both the current Environmental Protection Agency and the Department of Environmental Quality standards. The development of this area is not envisioned to create any emissions which would threaten to violate the applicable air quality standards. Water quality would be enhanced with the annexation of this area. There are currently 62 dwellings in this area.

The vast majority of these are presently connected to on-site sewerage disposal systems. According to Linn County Department of Health Services, there are several areas where septic tank failure appears imminent. Three lots in this area were recently (6-14-78) granted contract annexation in order to allow connection to the City sanitary sewer system to avert a possible health hazard created by failing septic tank systems brought about by the high water table. Because of the high ground water table, septic tank systems may be creating substantial pollution of the aquifers in this area.

The ground water situation in this area is similar to that of the Draperville area. However, since this area is predominantly on the Pacific Power and Light water system rather than individual wells, the pollution of the ground water is not as apparent as it is in the Draperville area.

The land resources in this area would not be over-burdened by the development of this area. There is capacity at the existing sanitary landfill sites to accommodate future growth. Solid wastes generated by the development of this area should not exceed their capacity.

The annexation of this area would not have any adverse impact on existing noise levels within the area. As the area is designated as urban residential and not industrial or commercial, one would not anticipate substantial noise pollution to be generated from this area once it is developed.

Air, land and water quality are monitored at several governmental levels. The Federal Environmental Protection Agency and the various

divisions of the State Department of Environmental Quality as well as the County Department of Health Services over-see and regulate development which might have an adverse impact on the quality of the environment. Beyond that, local nuisance ordinances further limit deleterious impacts on the air, land and resource quality.

Natural Hazards

The State of Oregon Department of Geology and Mineral Industries Bulletin 84 ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY, OREGON indicates that the area under consideration for annexation is composed of Quaternary Alluvium (QAL) and Willamette Silts (QWS). Quaternary Alluvium is described as "a few tens of feet of gravel, sand, and silt along major streams, and thin veneers of silt and clay lining the smaller streams of the Willamette Valley. Hazards include flooding stream meandering and siltation".

This formation is indicated along the drainage area in the northernmost portion of the annexation area. The remainder of the annexation area is Willamette Silts. "These formations are characterized as up to 20 or 30 feet of faintly bedded, quartzo-feldspathic silts, silty clays of lacustrine and glacial flood-water origin. Surficial erratics and heavy minerals indicate Columbia River source. Carbon-14 dating reveals an age of 19,000 to 34,000+ years. Hazards include poor drainage, ponding, and low permeability in places."

This ponding and low permeability in the area have also been verified by the Linn County Department of Health Services. Septic system failures in this area attest to the existence of these conditions. Ponding and surface drainage problems can be alleviated by the

installation of proper storm drainage. The USDA Soil Conservation Service indicates that an effective storm drainage system would also relieve the possible foundation stability problems in the area. The generalized slope in the area is 10% or less. Hazards in this formation may include flooding in drainage ways, ponding in depressions and high water tables. These hazards and solutions have been discussed earlier.

This area, like most of Oregon including all of Linn County, is in a seismic risk zone 2 category. Zone 2 indicates the possibility of moderate damage. This corresponds to VII on the Mercalli scale or 5.5 to 6.1 on the Richter scale (very strong; general alarm, walls crack, plaster falls). This area is not subject to landslides, nor is it within a designated flood plain. The possible existing hazards related to ground water can be alleviated by the installation of a storm sewer system. There are no natural hazards or areas prone to natural disasters which would preclude development in this area.

Recreational Needs

Near this proposed annexation there are currently 3 improved City parks; Grand Prairie, Periwinkle and Lehigh Park. The standard for out-door recreation area in Albany is one acre for each 100 population. The estimated developed population for this proposed annexation is between 3,000 and 5,000. At the adopted standard from 30 to 50 additional acres of parkland would be necessary.

The current adopted Albany comprehensive plan recognizes this need. That plan indicates a neighborhood park within the proposed annexation. As development occurs, the necessary steps will be taken by the City

to obtain the required park land area. Park land fees will be assessed on all subdivision lots and new residential construction to pay for the required park land.

There are other recreational facilities in Albany other than parks. These include golf courses, bowling alleys, the YMCA, Albany Boy's Club, private swim and tennis clubs and, if plans are approved, racquette ball/hand ball facilities. These are set up on a user fee basis. When demand becomes strong enough, these facilities may be expanded. The mechanisms currently exist in both the public and private sector to insure that current and future recreational needs can be met.

Economy of the State

The annexation, zoning and development of this area will not adversely impact the economy of the State. There are no industrial areas proposed therefore, no diversification of the economic base within this area would be anticipated. The major anticipated impact would be on the contract construction and lumber and wood products sector of the economy. In the fiscal year 1978, 20% of the employment (by place of residence) in Linn County was in the field of lumber and wood products; 4.6% was in the contract construction sector. These two major sectors of the Linn County economy would be favorably effected by the construction which would come about by the development of this area. This benefit would not be long term, particularly in the case of contract construction.

The largest direct impact would be on these two sectors. However, indirect benefit would accrue to the area. These workers spend their

earnings in the local community. This money becomes the wages of other workers. The multiplier effect is from 2 to 2 1/2 times in this area. Every dollar earned travels about 2 times through the economy before it is taken out of the area to banks, out of state corporations, etc.

Other considerations must be examined. The lumber and wood products and contract construction sectors are heavily dependent on trees. Trees are one of this areas renewable resources. Also from time to time, Linn County has been designated an economically lagging area. The anticipated impact of the development of this area would help to alleviate the threat of such an occurrence.

Housing

Projections for the future population of Albany range from a low of 37,290 to a high of 46,900 by the year 1990. This, at a minimum, indicates that within the next decade the population will increase by one-third over the current figure. Housing for at least 10,000 new citizens will be required.

Not only is the population increasing but the average household size is decreasing. The average household size for Albany's single family units in 1970 was 3.19. In 1977 this had dropped to 2.99. This down trend in household size is expected to stabilize at between 2.8 and 3.0 persons per single family dwelling unit. When considering all types of dwelling units, the average household size has decreased from 2.96 in 1970 to 2.74 in 1978. By 1990 this figure is anticipated to be 2.54.

The projected development for this area will require from 5 to 10 years to complete. The area proposed for annexation contains approximately 205 acres of vacant land. When factors for road right-of-ways, schools, parks and churches are considered, the amount of land remaining for residential construction is about 165 acres.

The Albany housing study projects that 55% of all new housing construction will be single family over the next decade. The remainder being either multiple family or mobile home dwellings. The most common single family zone in Albany is R-1 (6) requiring a 6,000 square foot minimum lot area. R-2 limited multiple family is allowed to develop to a density of 1 unit per 3,000 square feet. The average lot area in a mobile home park is required to be 3,000 square feet.

Based on these densities and the projected housing mix, this area would accommodate approximately 1794 dwelling units, or an additional population of 4727 persons. This is less than 50% of the minimum projected need over the next 10 years. Assuming a maximum growth, this area would accommodate 25% of the additional growth.

Annexation of this area and the future development will insure a choice within the local housing market. Because of the magnitude of this project and the developmental time frame, this area is required to insure that the housing needs of this growing City will be met.

Public Facilities

The funding which supports the Albany Police Department comes from several sources. Based on City Finance Department data, approximately 20% of police revenue is generated from property taxes. The remaining 80% comes from court fines, license fees, franchises

(Pacific Power and Light, Pacific Northwest Bell and Northwest Natural Gas), Federal programs and sumptuary tax revenues on cigarettes and liquor. Franchise revenues are based on a percentage of each customers bill and cigarette and liquor tax revenues are allocated based on population therefore, an increase in population generates additional franchise revenues and an increase in the City's share of State liquor and cigarette tax revenues.

There are increased costs to police services brought about by growth. Generally, areas annexed and developed are at the outer fringe of the City. Serving these areas means driving through the City to reach them or building a sub-station. However, in this particular instance the area is not at the far extreme reaches of the City. In fact, this area is within a closer distance to the police station than much of the area currently within the City. The developed area is on existing routes to other parts of the City and would not be out of the way.

The annexation of this area would increase the franchise and property tax revenues. It could also increase State liquor and cigarette revenues. The current development pattern is consolidated along Waverly Drive. Other than along Waverly Drive, the area is predominantly vacant and there are very few isolated homes. One would not expect many calls in this outer most section of the area. Incidents requiring police response in this area should be minimal.

Based on the annual report of the City of Albany Fire Department in 1978, and City of Albany population, the number of emergency runs

per year for the Fire Department is about 3% of the total population. These sources and the number of ambulance runs per year is about 6% of the population. With these assumptions and estimating of the existing population in this area at 250 persons, the anticipated increase in fire emergency runs attributed to this area would be 8 or 0.5% of the total number of yearly runs.

Fire, like police, is funded from the general fund. Approximately 20% of the general fund comes from property taxes. The remaining revenue for the general fund comes from other sources. Most of these are favorably affected by growth.

Health care is provided by the Albany Hospital and several practicing physicians. These are privately owned and are operated based on use fees. Water and electricity can be extended as can natural gas lines and telephone (see appendix A2). Sewer service can also be extended to service the area.

Transportation

The majority of this area is currently undeveloped. The existing residents of the area use the private automobile as their primary mode of transportation. As this area is adjacent to the City limits, these people are currently using the City's road transportation network. The annexation of this area would not, of itself, add any additional traffic to the system. Development on the other hand, will add to the system. During the development stages, plans will incorporate the conceptual elements of the adopted collector/arterial street plan for this area which was adopted by the City Council in November of 1977 (see map #2).

The Albany Transit system does not now provide general services to this area as it is not within the City limits. However, in the case of elderly or handicapped individuals, exceptions can be made. Once annexed to the City, this area would have mass transit available. Taxi service is now available to the area. This will not change with the advent of annexation. There are currently no bikeways within the area nor any cohesive system of sidewalks.

The annexation and development of this area will allow for the development of a comprehensive transportation system. Sidewalks and roadways will be required as areas develop.

Energy

The proposed annexation is adjacent to the existing City limits. It is located near an existing major commercial area. It is closer to the central core than some areas already within the City. Annexation of this area is an infilling process rather than a linear expansion. This type of annexation and development does not lead to the energy inefficiencies of urban sprawl. Due to this area's location, future public facilities extensions would cost less, in terms of energy usage, than would these extensions to areas further from the fringes of the City. Future residents would be in close proximity to existing and proposed major commercial developments. This should reduce their consumption of gasoline to reach these retail trade areas when compared with residential areas further away. Annexing this area would also give the existing and future residents of this area the opportunity to use the Albany bus system. This is a more energy efficient mode

of transportation than the private automobile.

As the area is developed, energy efficient design and construction practices will be employed.

Urbanization

This land has been included in the approved preliminary urban growth boundary. The delineation of Albany's urbanizable area has been formally agreed to by Benton County, Linn County and the City of Albany. The area is located adjacent to the existing City limits.

The urbanization goal indicates that land within boundaries separating urbanized land from rural land shall be considered available over timber for urban uses. Conversion of urbanizable land to urban uses shall be based on the following considerations:

1. Orderly, economic provision for public facilities and services. This consideration was addressed in the public facilities and services section. The area is adjacent to the City, services are capable of being extended and in some instances are already in place. However, the residents are precluded from connecting to City facilities until they are annexed.

2. Availability of sufficient land for the various uses to insure choices in the market place. As indicated earlier, this area will require from 5 to 10 years to develop. The area will be necessary to meet future land needs, particularly in the residential sector. The area cannot be considered for incremental annexation because of existing conditions such as excessive surface water and rectifiable storm runoff problems which are common throughout this area. Stated public policy has been to consider this area on an "all or nothing" basis.

3. L.C.D.C. Goals have been addressed at length.

4. Encouragement of development within urban areas before conversion of urbanizable land. A portion of this area, although outside the City limits, is characteristically urban. The remainder of the developable land will be needed over the next decade.

SECTION 6 - EXCEPTION REQUEST

Goal 3 - Agricultural Lands and Goal 4 - Forest Lands

THE REQUESTED EXCEPTION TO BOTH THE AGRICULTURAL
AND FOREST LANDS WILL BE ADDRESSED JOINTLY IN
THE FOLLOWING.

The proposed area of annexation is entirely Class I through IV soils types as defined by the U. S. Department of Agriculture Soil Conservation Service. Although this area is within the preliminary urban growth boundary agreed to by the City of Albany, Benton County and Linn County, it has not been accepted by the Land Conservation and Development Commission. Therefore, it is necessary to request an exception to annex and develop any property in Class I through IV soils.

To approve an exception to the Agricultural Lands and Forest Land Goals findings must be submitted which adequately address the following:

1. Why these other uses should be provided for;
2. What alternative locations within the area could be used for this proposed use;
3. What are the long term environmental, economic, social and energy consequences to the locality, the region or the State from not applying the goal or permitting the alternative use;
4. A finding that the proposed use will be compatible with other adjacent uses.

1. WHY THE USE SHOULD BE PROVIDED FOR

The uses being requested are Urban Residential and Neighborhood Oriented Commercial. These uses will be required to fulfill the projected needs of the present and future citizens of Albany.

The Albany housing study prepared by CH2M Hill in 1978 produced three growth scenarios for Albany's future. These were based on public policies aimed at accommodating 1) limited growth 2) anticipated growth or 3) maximum growth. These scenarios produced the following population projections to the year 1990:

Limited Growth	37,290
Anticipated Growth	41,870
Maximum Growth	46,960

The current population of Albany is estimated at 28,000. Even at the lowest considered growth, it is projected that the population will increase by nearly 10,000 or one-third over the next decade.

The area requested for annexation contains approximately 266 acres. Of this area, 258 acres are proposed to be zoned residential. The vast majority of this land is undeveloped. Calculation based on using the requested densities projected that the population for the area under consideration is 4,727 (see appendix A1). This figure includes the present population of the area which is estimated at 186 (based on 62 dwelling units at an average of three persons per dwelling unit). The actual increased population projected for this area is 4,541. At the limited growth projection, this area could be expected to accommodate

50% of the minimum growth of Albany over the next decade. At maximum growth this area could accommodate approximately 25% of the projected increase in population to 1990.

Also included in this proposed annexation is a Neighborhood Oriented Commercial area. This area is designed to be centrally located within the development. Its purpose is to serve the convenience and recurring service needs of the annexation area and adjacent areas.

Alternative Areas

There are other areas within the urban growth boundary but outside of the City limits where these proposed uses could be accommodated. However, as all of the outlying area of Albany is predominantly Class I through IV soils, they would also require exceptions to the Agricultural Lands and Forest Lands Goals.

The property under consideration has certain locational advantages over other areas. It is closer to major commercial facilities than many of the developed areas already within the City. This area is also in close proximity to existing fire and police services. This annexation is more of a filling rather than a linear expansion of the City. As such it will tend to be more energy efficient.

Consequences

There are several long term consequences which might be associated with this annexation. The ones which must specifically be addressed are environmental, economic, social and energy consequences to the locality, the region or the state which will be precipitated by allowing the conversion of this area to urban use.

The long term environmental impact would be the elimination of the noise and particulate pollution associated with farming practices and replacing it with those associated with urban residential development, the most noted contributor being automobile emissions and wood-burning stoves and fireplaces. The developed area within the proposed annexation is almost exclusively served by septic tanks. There has been a history of failures in this area with the possibility of more looming in the future. These failures contaminate the ground water. By annexing this area, sewers could be extended eliminating the need for septic tanks. This would help alleviate the ground water contamination problem in this area.

The conversion of this area to urban from agriculture would not have any significant long term impact on the economy. The area is now farmed, although not intensively. The economic impacts of construction of the public facilities and buildings will have short term impact on the economy.

The area is anticipated to house a population similar in characteristics to that of the City. There should be no long term social impacts on the City.

From an energy impact perspective, this area is designed to be efficient. It is an infilling process located close to major shopping areas. The proposed lay-out includes neighborhood shopping facilities which are centrally located and designed to be accessible to pedestrians or cyclists. The Greater Albany Public Schools has a site located within the annexation. Once this school site is developed it could

accommodate most of the school children within the area, without the need for busing. The intent of this development is to place the anticipated major traffic generators in the area within walking distance of the majority of the residential units. This will lessen the dependance on the automobile.

Compatibility

The proposed use for the area is primarily Urban Residential. A small area of neighborhood commercial and residential professional has also been proposed. These non-residential areas are designed and located to be compatible with and complimentary to the proposed residential development.

The developed area bordering the proposed annexation and development is Urban Residential. The proposed zoning pattern for the area would be compatible with the existing residential development.

SECTION 7 - CRITERIA FOR SIZE AND SITTING OF NEIGHBORHOOD COMMERCIAL AREAS

To determine the size and siting of the proposed C-1 neighborhood commercial area, we employed the criteria set forth in the second edition of URBAN PLANNING AND DESIGN CRITERIA by Joseph DeChiara/Lee Koppelman.

The function of a neighborhood shopping area is, according to DeChiara/Koppleman, the sale of convenience goods and personal services. This description of function correlates well with the description and purpose statement of the C-1 neighborhood commercial district in the City of Albany zoning and land use regulations. It states that "The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations. The C-1 district is typically appropriate to small shopping clusters or service centers located within residential neighborhoods".

According to DeChiara/Koppleman the leading tenants of neighborhood centers are markets and drug stores. These uses are among those permitted in a C-1 neighborhood commercial zone.

The location of a neighborhood commercial area should ideally be at the intersection of collector streets or, at a minimum, their crossing with secondary (neighborhood) streets. The proposed C-1 zone is at the intersection of 21st Avenue and the extension of Center Street. These streets have both been designated as collector streets by the City Council following a special review of the future traffic flow pattern in this area. The service area for a neighborhood commercial area is assumed to be that area within a one-half mile radius. The nearest developed C-1 area to this proposed neighborhood

commercial site is at the intersection of Geary Street and Grand Prairie Road and is 1.21 miles by road or 4,000 feet in a direct line from the proposed C-1 site. The nearest undeveloped C-1 zoned area is located on the south side of Queen Avenue at its intersection with Geary Street. This site is 0.92 miles, by road, from the proposed C-1 site.

The minimum population required to support a neighborhood commercial area is 4,000. The estimated current population within a one-half mile radius of the site is 1,800 persons. (This figure is based on approximately 600 homes, existing within the one-half mile radius of the proposed site and three persons per dwelling unit). The projected population for the area considered for annexation is 4,727. (see appendix A1 for population estimate calculations.) The expected population for the area which this proposed C-1 area will serve is projected to be in excess of 7,000 persons (this figure includes estimates of the future development of vacant areas within the service radius but not within the proposed annexation, e.g. Cedarwood PUD).

The recommended size of a neighborhood commercial area is from 4 to 8 acres. The proposed site, excluding street right-of-ways, is 5.7 acres.

The desirable maximum size of a neighborhood center as a percentage of the total area served is 1.25%. For this site, 1.25% of the assumed area served of 500 acres is 6.28 acres. The area proposed for C-1 is 5.7 acres. Another method of calculating area required is based on projected population. As noted above, the projected population of the area served is at least 7,000. The standard developed by the Urban Land Institute is 1 acre per 1,000 population therefore 7 acres would be the maximum C-1 site area in this instance.

APPENDIX A1

RESIDENTIAL DENSITY AND POPULATION CALCULATIONS

Assumptions:

Single Family Residential Population	3.0 persons/d.u.*
Multiple Family Residential Population	2.1 persons/d.u.*
Mobile Home Population	2.0 persons/d.u.*

Density is Calculated at 75% of Maximum
Density Per Zone - 25% is Discounted For Street Right-of-way

Population Calculations:

$$\begin{array}{l} \text{R-1 (10)} \\ \frac{(5.29 \text{ acres} \times 43,560 \text{ sq. ft./acre} \times 3 \text{ persons/d.u.}) \times 75\%}{10,000 \text{ sq. ft./d.u.}} = 52 \end{array}$$

$$\begin{array}{l} \text{R-1 (8)} \\ \frac{(22.79 \text{ acres} \times 43,560 \text{ sq. ft./acre} \times 3 \text{ persons/d.u.}) \times 75\%}{8,000 \text{ sq. ft./d.u.}} = 279 \end{array}$$

$$\begin{array}{l} \text{R-1 (6)} \\ \frac{(175.55 \text{ acres} \times 43,560 \text{ sq. ft./acre} \times 3 \text{ persons/d.u.}) \times 75\%}{6,000 \text{ sq. ft./d.u.}} = 2,868 \end{array}$$

$$\begin{array}{l} \text{R-2} \\ \frac{(46.49 \text{ acres} \times 43,560 \text{ sq. ft./acre} \times 2.1 \text{ persons/d.u.}) \times 75\%}{3,000 \text{ sq. ft./d.u.}} = 1,063^{**} \end{array}$$

$$\begin{array}{l} \text{R-3} \\ \frac{(8.13 \text{ acres} \times 43,560 \text{ sq. ft./acre} \times 2.1 \text{ persons/d.u.}) \times 75\%}{1,200 \text{ sq. ft./d.u.}} = 46.5 \end{array}$$

Projected Population
Total Population 4,727

Estimated Existing Population Within The Area Considered For Annexation:
186 (62 d.u. X 3.0 persons/d.u.)

d.u. - dwelling unit

* Based on Albany Housing Study prepared by CH2M Hill

** This figure includes any projected mobile home population

PACIFIC POWER & LIGHT COMPANY

236 SOUTH LYON STREET / POST OFFICE BOX 248 / ALBANY, OREGON 97321

September 5, 1979

Mr. Jon R. Wagner, Planning Director
Timberland Services, Inc.
1010 Airport Road
P. O. Box 668
Albany, OR 97321

Dear Mr. Wagner:

We have received your inquiry regarding the ability of Pacific Power & Light Company to provide electric and water service to an area under consideration for annexation into the City of Albany. The area mentioned is generally bounded by Grand Prairie Road to the South, Interstate 5 to the East, and Waverly Drive to the West. I also understand the projected population for this area is between 3,000 and 5,000.

Pacific can provide electric and water service to and within this area at such time that service is requested. Extensions for both electric and water service will be made in accordance with Pacific's filed electric and water tariffs.

If I can be of any further help, please call or write.

Sincerely,



Wallace Kelly
Extension Supervisor

WK:sg



Pacific Northwest Bell
135 Montgomery S.E.
Albany, Or. 97321
Phone: 967-3300

August 21, 1979

Timberland Services Inc.
P.O. Box 668
Albany, Oregon 97321

Dear Sir:

In response to your letter dated August 16th on the proposed Waverly-Grand Prairie Annexation, Pacific Northwest Bell presently services this area in its entirety. Annexation of this area into the city limits would not change the serving requirement.

We shall continue to accept requests for service and if we can be of any further assistance, please let us know.

Very truly yours,

J. McGuire
Business Office Manager

JM/sl

LINN COUNTY DEPARTMENT OF HEALTH SERVICES
COURTHOUSE ANNEX
P. O. Box 100, Albany, Oregon 97322



Public Health 967-3888
Mental Health 967-3866
Environmental Health 967-382
Administration 967-3905

Michael McCracken, M.S.
Administrator

Benjamin Bonnlander, M.D., M.P.H.
Health Officer

Jennis D. Dahlen, M.S.W.
Mental Health Director

Jusan Jewell-Larsen, R.N.
Public Health Director

Richard Swenson, R.S.
Environmental Health Director

July 27, 1979

Mr. Ron Hughes
Timberland Services
P. O. Box 668
Albany, OR 97321

Re: Waverly-Grand Prairie Annexation to the City of Albany

Dear Ron:

This letter is written at your request to respond to the proposed annexation. You asked us to provide any information that this office might have regarding the subsurface sewage disposal problems in this area as outlined in the attached map.

In reviewing our files we find the following information.

1. In the textural soils map of the Albany quadrangle of bulletin 84 in the State of Oregon Department of Geology and Mineral Industries soil classifications, the soils in the area are clay and silty clay with a severe rating for septic tanks and drainfields due to low infiltration rates. There is also some clay loam and silty clay loams. Septic tanks and sewage disposal systems are rated again severe because of high water tables in the area.
2. We have evidence of sewage disposal systems malfunctioning on the properties marked on the attached map. These properties have been observed first hand where sewage is discharging onto the ground surface. Generally, the causes of these problems are severe soils due to high water tables in the winter time. We have even observed persons pumping out their septic tanks with a sump pump onto the surface of the ground in the winter time so that their toilets will flush. Repairing septic systems in this area is futile due to these severe conditions. Every winter those repaired systems would fail.
3. Letter dated May 17, 1978 from Larry Stevens.
4. Response from the Linn County Department of Health Services to Mr. Stevens dated June 6, 1978.
5. Letter to Mr. Hugh Hull dated June 22, 1977. Please be advised that, although this letter addresses properties on Fulton Street, it is an

LINN COUNTY BOARD OF HEALTH

Mary Keenan, Chairperson, Board of Commissioners

Vernon Schrock, Commissioner; Joel D. Fosdick, Jr., Commissioner

A3-1

Mr. Ron Hughes
July 27, 1979
Page 2

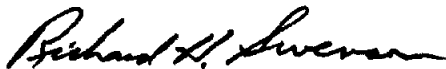
indication of the severe soils in this area as well. Unfortunately, your annexation does not include the Fulton Street area, and thus will create an island within the city. This subdivision, due to the severe soil conditions similar to the soils on the east side of Waverly, should have sewers extended to it.

6. Letter dated May 6, 1976 to Mr. Hal Leedom, Director of Public Works, City of Albany.

Generally speaking, the only logical way any of this area can be developed would be on off-site sewage disposal such as the city of Albany's sewage system. I wish to add that since Linn County Department of Health Services is very much concerned about community health, that when development does occur and this area is annexed, that existing residences with failing systems be connected to the community sewerage system prior to or at the same time that new development is connected. It does no good to have a lot of new development take place around areas with failing sewage disposal systems. The entire community's health is still at risk.

If you have any questions or if I can be of any further assistance, please don't hesitate to contact me.

Sincerely,



Richard H. Swenson, R.S., Director
Environmental Health Services

RHS:nlp

Enclosures

Larry Stevens
2506 S. Fulton
Albany, OR 97321

RECEIVED MAY 18 1978

May 17, 1978

Dear Sir:

Perhaps I am addressing these questions to the wrong department or perhaps the wrong person, but I am not sure whom I should direct my questions to.

No. 1. we live at 2506 S. Fulton St. in Linn County, Oregon. We are not in the city limits as yet and I am quite sure that would not solve the problem I am about to refer to.

We have a drainage problem all along our back yard and all adjoining yards (beside and in back of us). I admit we do have a high water table in this area and we have had a large amount of rain this year. The problem surfaced immediately this past summer when a new subdivision was built directly behind us on 25th and Wheeler. Upon completion of the new houses behind us, including landscaping, the builder began watering the new lawns and proceeded to fill our back yard with water. I must say at this point that our lot is one of the highest on our street possibly six inches above our side neighbors.

At any rate we contacted the builder and explained the problem to him. He did cut back on his watering time, but that did not seem to remedy the problem.

The problem exists I feel because the contractor was allowed to build up his property so high with total disregard to adjoining property and has not provided adequate drainage for his own property let alone the neighboring lots.

We have suffered a loss on property value and there now exists a health problem I'm quite sure, because of the standing water that now stands in our yard as well as the new property's yards.

If you can be of assistance in any way to help alleviate the problem we would be very grateful.

Sincerely yours,

Larry Stevens

Larry Stevens

LINN COUNTY DEPARTMENT OF HEALTH SERVICES

COURTHOUSE ANNEX
P.O. BOX 100
ALBANY, OREGON 97321



Michael McCracken, M.S.
Administrator

Benjamin Bonnländer, M.D., M.P.H.
Health Officer

John E. Johnson, M.S.W.
Mental Health Director

Susan Jewell, R.N.
Public Health Director

Richard Swenson, R.S.
Environmental Health Director

Public Health: 967-388
Mental Health: 967-386
Environmental Health: 967-
Administration: 967-390

June 6, 1978

Mr. Larry Stevens
2506 Fulton Street, S.E.
Albany, OR 97321

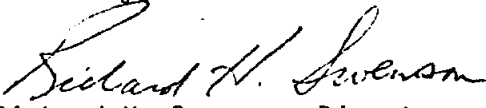
Dear Mr. Stevens:

This is to acknowledge receipt of your letter dated May 17, 1978. An onsite investigation was conducted by Gordon McNeil on May 22, 1978. No sewage was observed on the surface of the ground on that date. It was not possible to dye test the neighbor's system, since no one was home.

A general comment should be made regarding this area. During the winter months, a water table is perched above a clay layer in this area. This perched water table causes septic tanks and drainfields to malfunction. There have already been reported problems and hence people have hooked up to sewer. It is our suggestion that people in this area eventually hook up to sewers. As costs keep rising, this permanent alternative becomes more difficult.

If you have any questions, please do not hesitate to contact this office.

Sincerely,


Richard H. Swenson, Director
Environmental Health Service

RHS/sec

xc: Hugh Hall, City of Albany
Merle Long, City of Albany
Jack Mayer, Building Official, City of Albany
David Schmidt, Linn County Planning & Building Dept.
Neal Michael, Roadmaster, Linn County
James Rankin, Civil Engineer, City of Albany
Oris Carnegie, Linn County Surveyor

A3-4

June 22, 1977

RECEIVED JUN 27 1977

Mr. Hugh Hull
Manager
City of Albany
Albany, OR 97321

Re: T 11, R 3W, Sec. 17 AD, TL 900
Lots 5 & 6 Bk 3
Kenwood Subdivision

Dear Mr. Hull:

In reference to the letter from Linn County Health Services, dated June 16, 1977, to Betty & Carl True of 2616 S. Fulton - Subject: Compliance with O.R.S. - 164.785, we the undersigned, together and jointly, submit the following statements and requests:

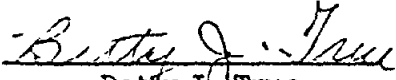
- 1) The water table on our lots is so high, due to the clay base, that during the "rainy season" our septic drainfields fill up and we have the equivalent of raw effluent over the surface of our yards. The stench is so strong as to be unbearable. There is no natural drainage of or for this area. This condition necessitates the opening of the "lateral lines" in order to relieve the pressure on the septic tanks just to enable us to flush our toilets, thereby compounding a very unhealthy situation. We can't use our washing machines, dish washers, or second baths during this season.
- 2) To go to the great expense of installing new drainfields and effluent pumps would be only a temporary solution at best. In the absence of natural drainage, with the water table at ground surface, the first good rain would put us right back where we are today.


In view of the above, we therefore request that the City of Albany allow us to run a line through our backyards to hook up to the sewer line on the first street immediately west of our properties. To accomplish this, Mr. Ron Rainsbury (Shamrock Homes Builder), builder and owner of the three houses between us and the street in question, has agreed to grant us the necessary easements to go through his property. He requests that this action be undertaken, if at all possible, before he does the landscaping.


We further state that we will meet all Codes pertinent to this undertaking and comply with all regulations concerning annexation to the City of Albany.

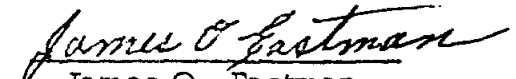
Since time is of the essence in this case, your immediate consideration and action on our behalf will be greatly appreciated.

Sincerely,


Betty J. True


Carl A. True


Frances L. Eastman


James O. Eastman

cc: Mr. Richard H. Swenson, Director
Environmental Health Service

Mr. Ron Rainsbury, Builder
Shamrock Homes



LINN COUNTY
HEALTH DEPARTMENT

May 6, 1976
CITY OF ALBANY
RECEIVED

NOV 29 1976

By _____

SANITATION DEPT.
FILE COPY

Mr. Hal Leedom
Director of Public Works
City of Albany
240 Second Street
Albany, Oregon

Dear Sir:

The following list and comments are a result of our conversation on April 15, 1976, concerning properties with malfunctioning or suspected malfunctioning septic tank systems, adjacent or within the City limits. Nearly all of the malfunctioning septic tank systems were discovered as a result of citizen complaints.

- 1) Area East of Geary Street and along Queen Avenue.
 - a) Lewis Carrel
2440 E. Queen Avenue
 - b) Orian Evan
1845 E. 17th Street
 - c) Dick Draper (rental)
1830 E. 17th Street
 - d) Two other dwellings on 17th Street appeared to be having problems with their septic tank systems, observed while driving down the street.
- 2) A survey was conducted by this office on February 25, 1976, of Kenwood Addition, as a result of a citizen's complaint. The following properties had malfunctioning septic tank systems when the survey was conducted:
 - a) Larry Griffen
2607 E. 25th Street
 - b) Randy Stem
2520 E. 27th Street

- c) Charles Nichols
2608 E. 27th Street
 - d) Alvenda Dettloff
2422 S. Waverly (not a part of Kenwood Addition, evaluated
February 11, 1976)
 - e) Many persons interviewed complained of problems flushing their
toilets and with surface waters.
 - f) A strong sewage odor was detected in a catch basin on Grand
Prairie which collects water from the area surveyed. Prob-
ably homes in Kenwood Addition are discharging household
sewage into the drainage system.
3. The Environmental Health Division has received complaints in the past
on malfunctioning septic tank systems East of Waverly from 24th Street
to 28th Street.

The only long term solution to the problems would be connecting to the city
sewer. Repairing the systems would be prohibited due to poor soil conditions
and inadequate area for.

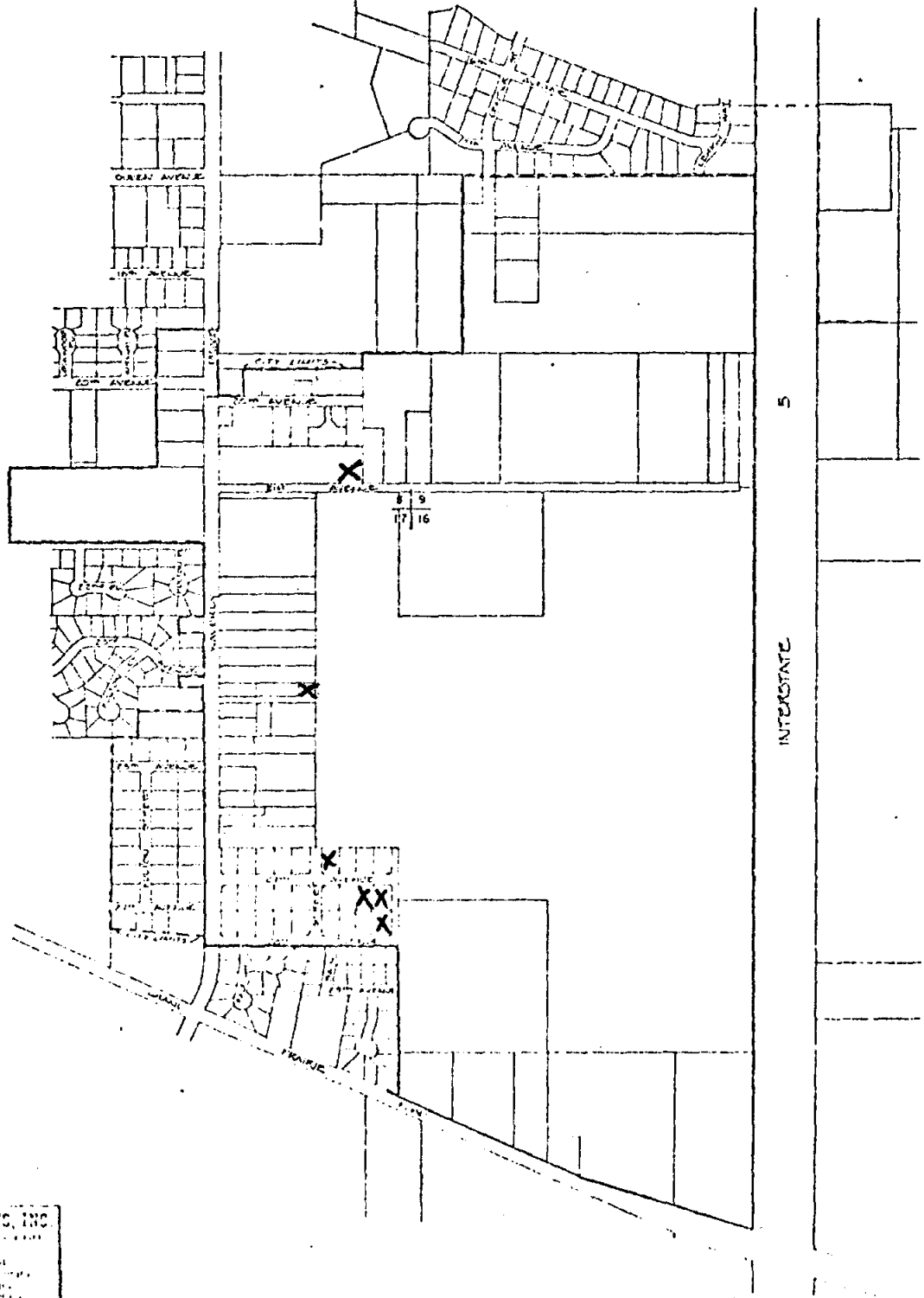
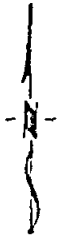
Richard H. Swenson, R.S., Director
Environmental Health Division

By: Harold Workman, R.S.

enc: Area Map
cc: Ethan VanEck

PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8, 9, 16 & 17, T. 11 S., R. 3 W., W.M.

SCALE: AS SHOWN
 0 100 200 300 400 500
 FEET



TIMBERLAND SERVICES, INC.
 10000 W. 11th Avenue, Suite 100
 Denver, Colorado 80202
 (303) 751-1100
 FAX (303) 751-1101
 WWW.TSINC.COM

BIBLIOGRAPHY

CH2M Hill, ALBANY HOUSING STUDY, October, 1978

Bonneville Power Administration, OREGON POPULATION EMPLOYMENT AND AND HOUSEHOLDS PROJECTED TO 2,000, September, 1979

DeChiard and Koppleman, URBAN PLANNING AND DESIGN CRITERIA, Second Edition, 1975

State of Oregon Employment Division, ANNUAL PLANNING INFORMATION FISCAL YEAR, 1980, May, 1979

Oregon Department of Energy, OREGON'S ENERGY FUTURE, THIRD ANNUAL REPORT, January 1979

State of Oregon Department of Environmental Quality, OREGON AIR QUALITY REPORT, 1977

U. S. Army Corps of Engineers, FLOOD PLAIN INFORMATION WILLAMETTE RIVER, CALAPOOIA RIVER, OAK CREEK, ALBANY, OREGON, June, 1971

State of Oregon Department of Geology and Mineral Industries, BULLETIN 84, ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY, OREGON, 1974

Soil Conservation Service, OREGON SOILS, OR-1

Daily Journal of Commerce, "SMALL HOMES WAVE OF THE FUTURE", July 31, 1979

Daily Journal of Commerce, "HOUSE COSTS SOAR, RENTERS CLOSED OUT", June 15, 1979

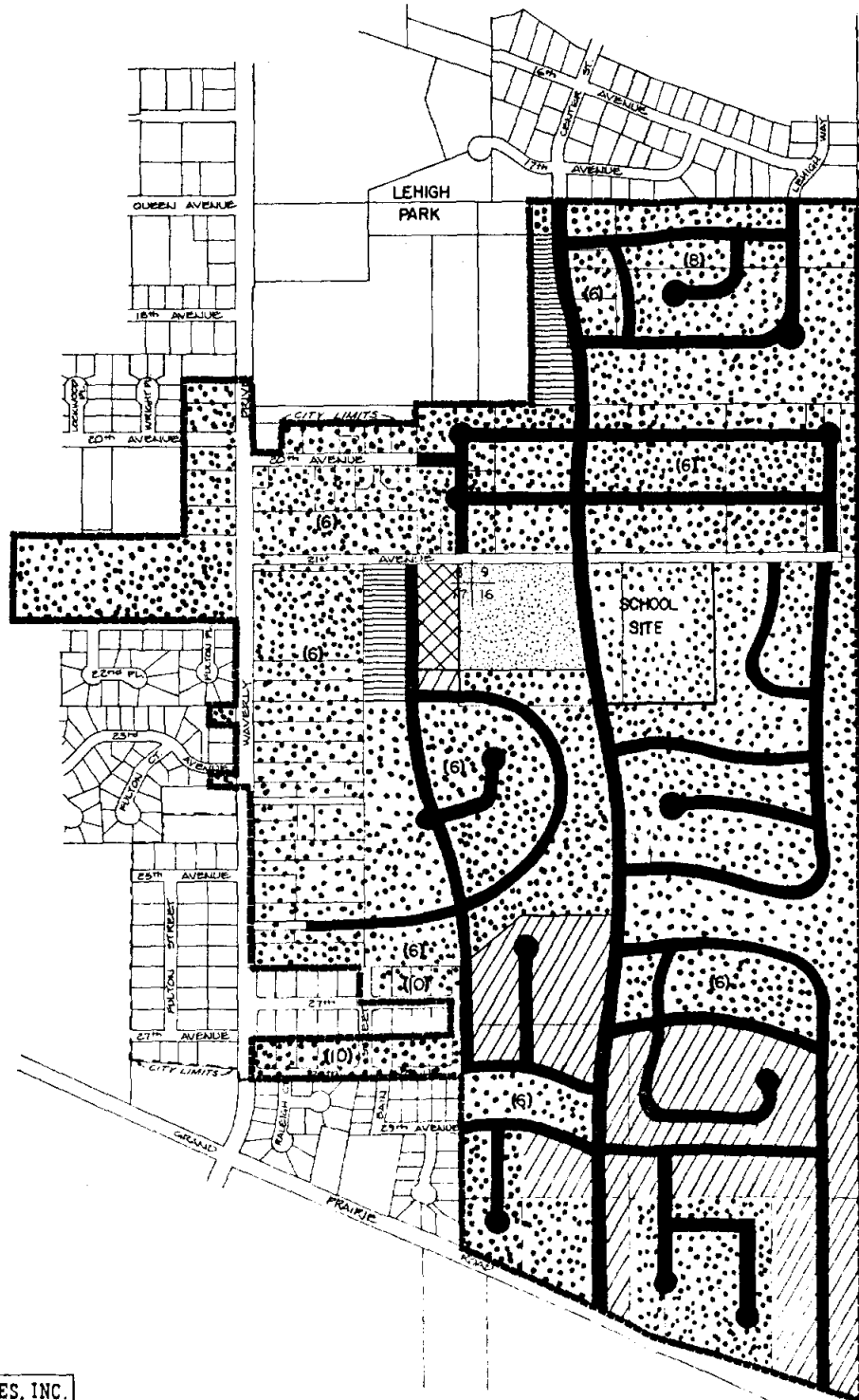
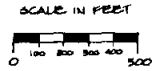
Daily Journal of Commerce, "NOISE WALLS BUFFER SOUND ALONG FREEWAY DEVELOPMENT", May 15, 1979

City of Albany Council Meeting Minutes, April 27, 1977, June 22, 1977, August 9, 1978, November, 1978, February 14, 1979, April 11, 1979, June 28, 1979

Telephone Conversation With Gary Holiday, Albany Finance Director, Regarding Funding of Fire and Police Departments, May 21, 1979






PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8,9,16 & 17, T.11 S., R.3 W., W.M.

PROPOSED ZONING AND STREET PLAN



Area should be Annexed -

PROPOSED ZONING AND CONCEPTUAL STREET PATTERN

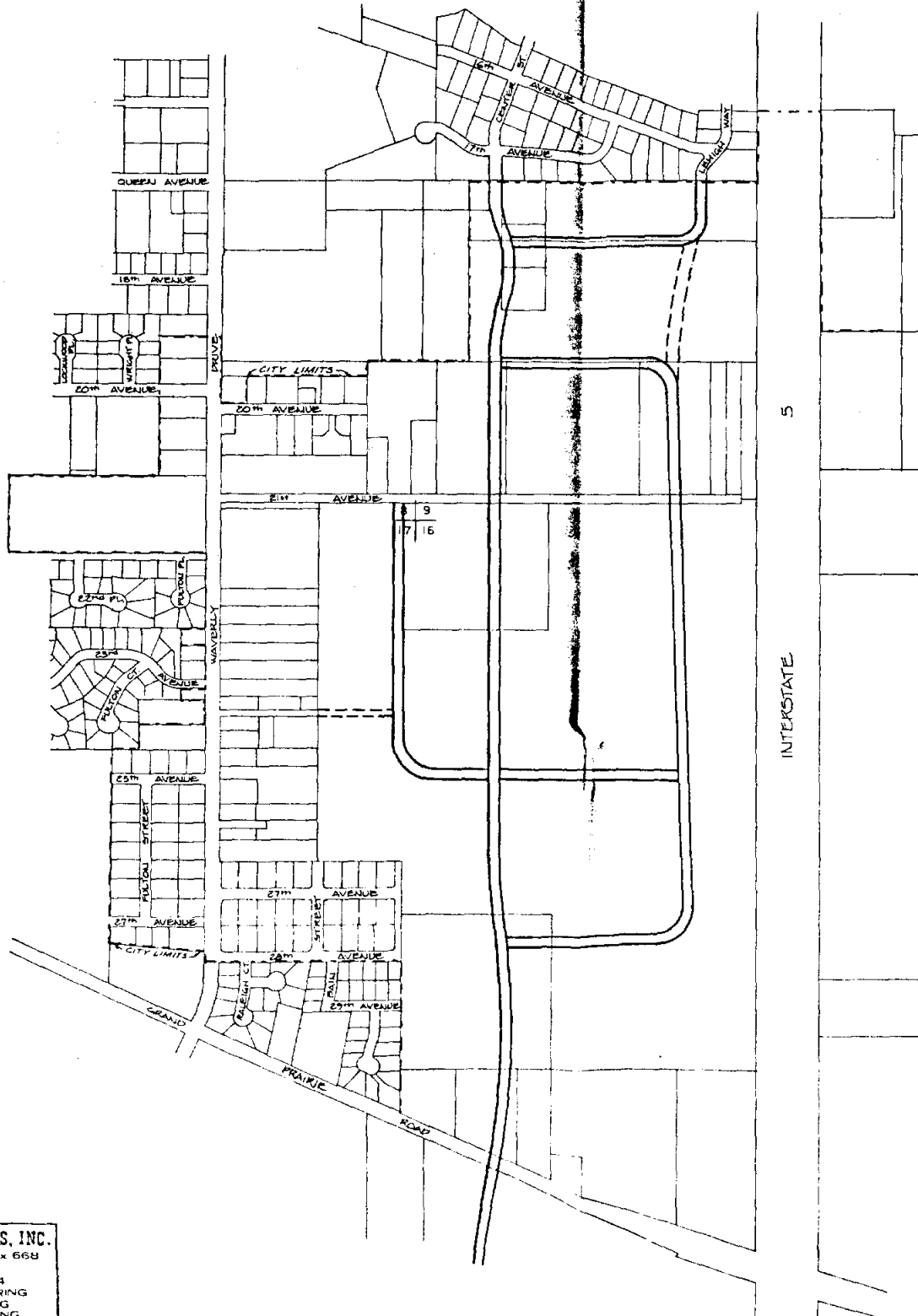
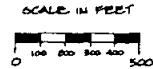
-  R-1 SINGLE FAMILY
-  R-2 LIMITED MULTIPLE FAMILY
-  R-3 MULTIPLE FAMILY
-  RP RESIDENTIAL PROFESSIONAL
-  CI NEIGHBORHOOD COMMERCIAL

SEPT. '79'

ED SERVICES, INC.
 Road P O Box 668
 y Orh 97321
 31926-9404
 G. ENGINEERING
 S. PLANNING
 Y. CONSULTING

PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8,9,16 & 17, T.11 S., R.3 W., W.M.

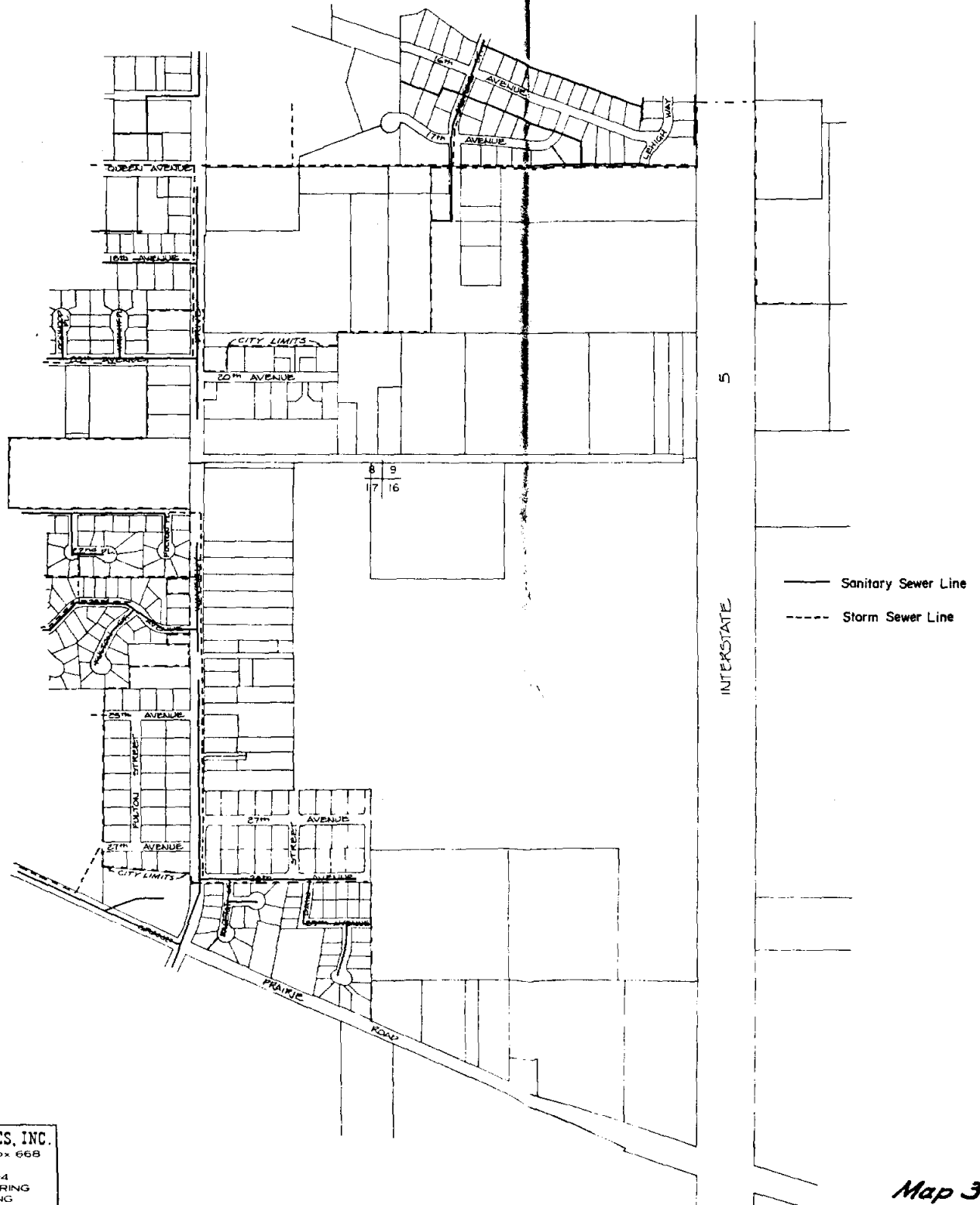
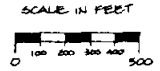
CONCEPTUAL STREET PLAN ADOPTED BY
 ALBANY CITY COUNCIL NOV, '77



D SERVICES, INC.
 1041 P O Box 668
 Ore. 97321
 (503) 926-9404
 ENGINEERING
 PLANNING
 CONSULTING

PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8, 9, 16 & 17, T. 11 S., R. 3 W., W.M.

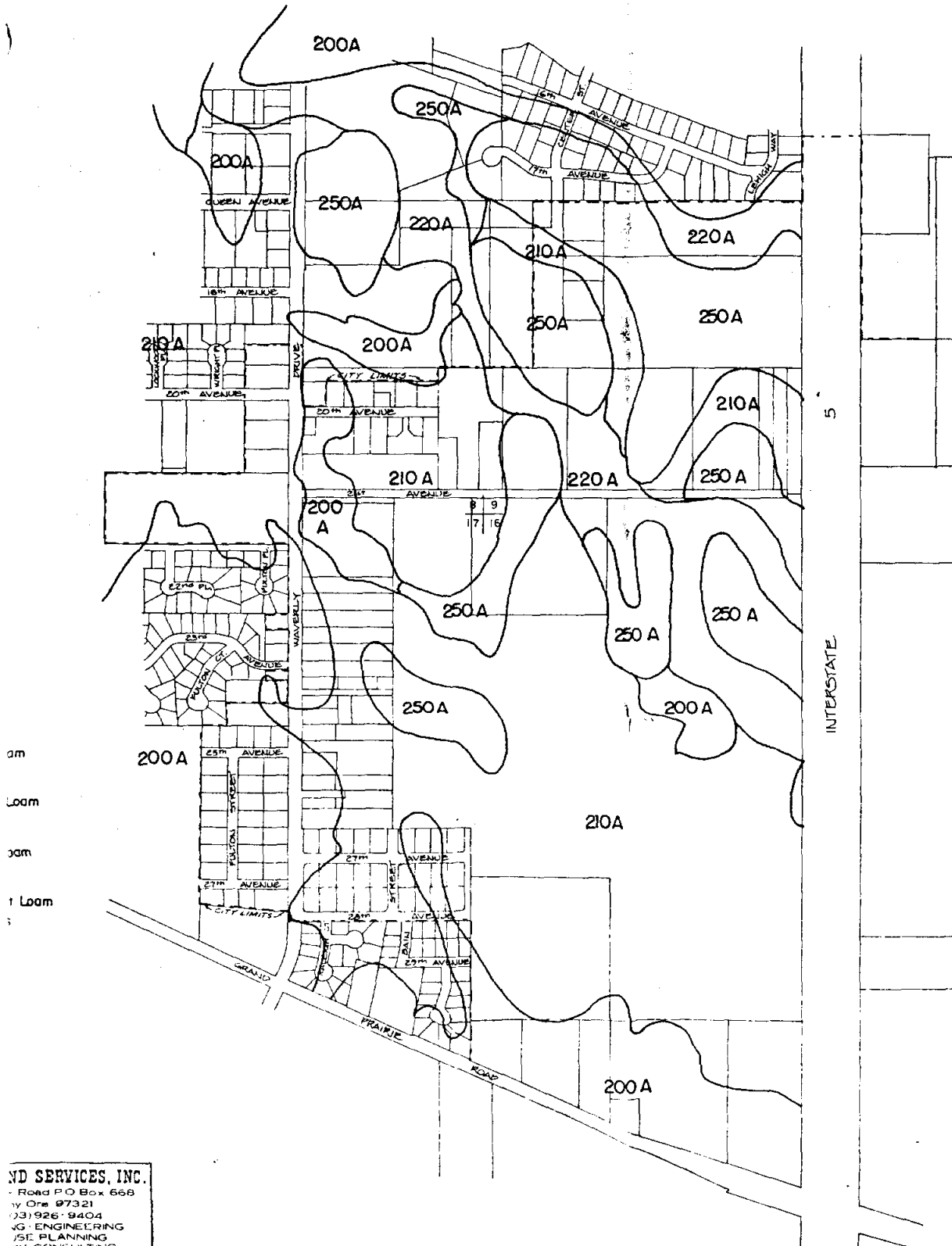
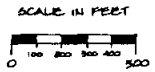
**EXISTING SANITARY & STORM
 SEWER LINES**



D SERVICES, INC.
 Road P.O. Box 668
 , Ore. 97321
 (319) 261-9404
 GE ENGINEERING
 SE PLANNING
 CY CONSULTING

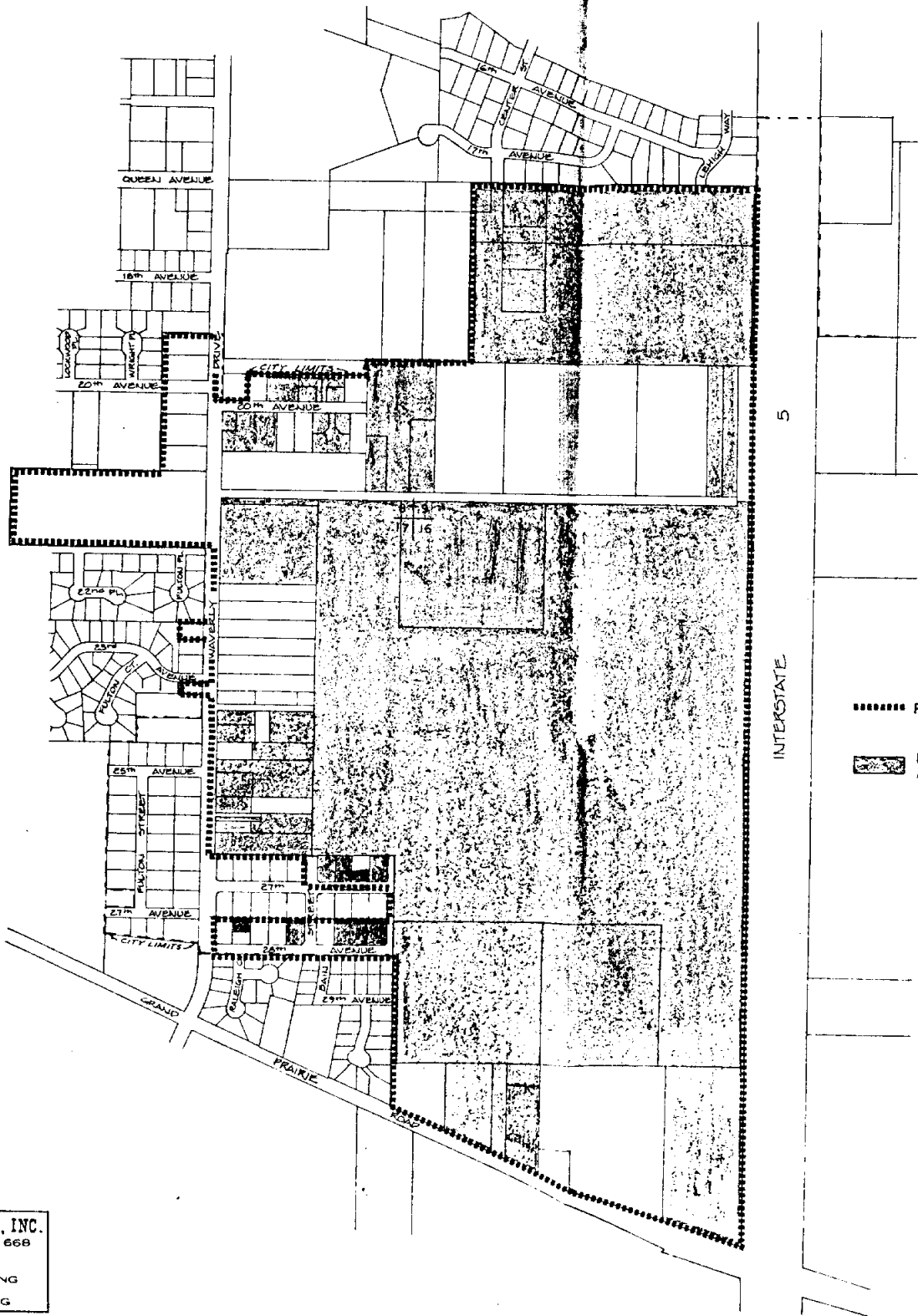
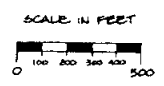
PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8, 9, 16 & 17, T. 11 S., R. 3 W., W.M.

SOIL TYPES



ND SERVICES, INC.
 Road P.O. Box 668
 W. One 87321
 (313) 926-9404
 C.E. ENGINEERING
 J.S.E. PLANNING
 RY CONSULTING

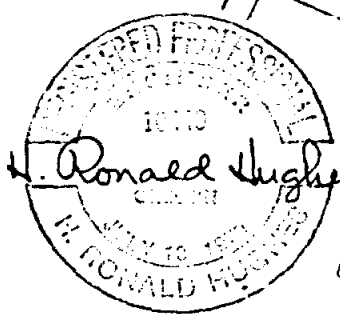
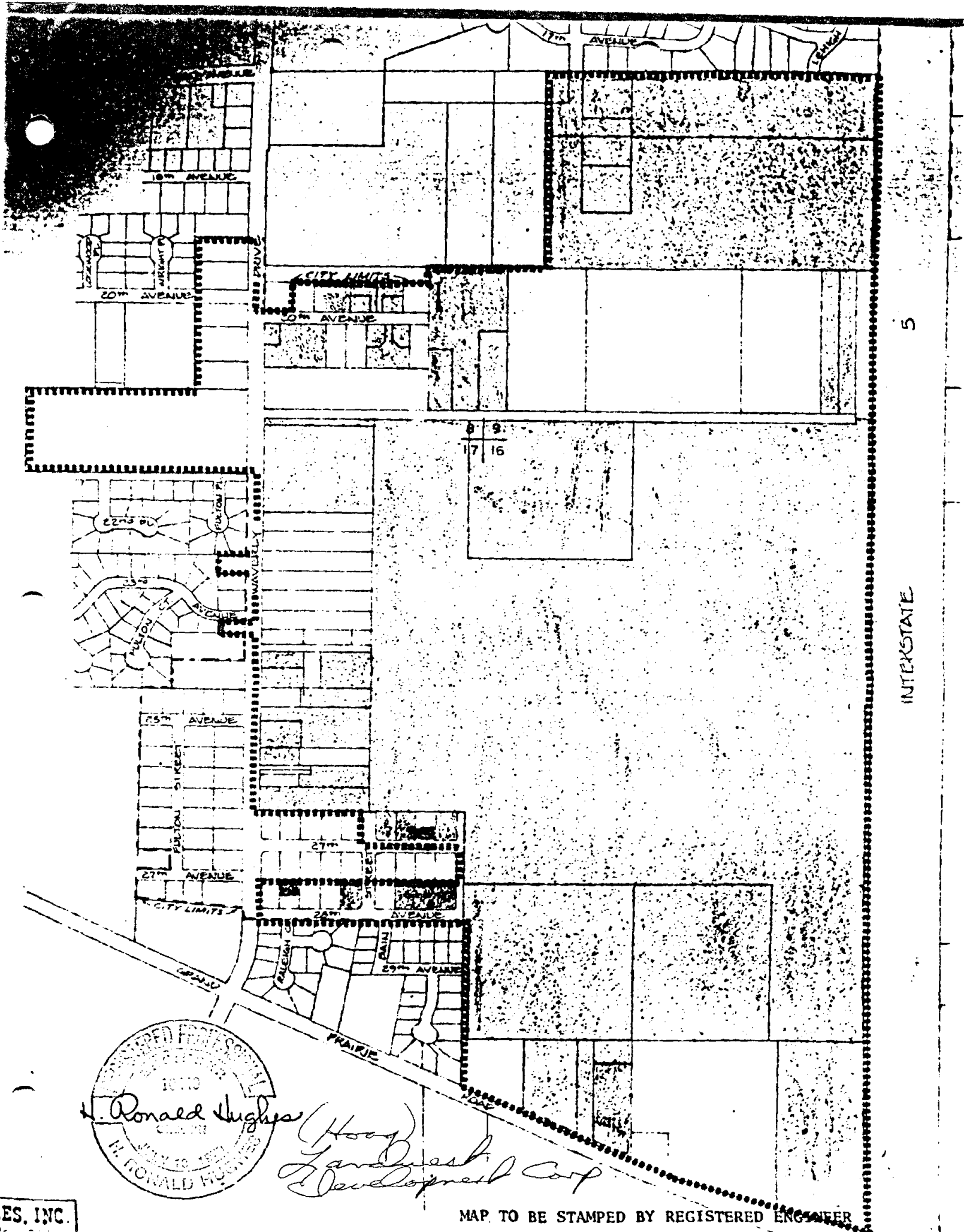
PROPOSED
WAVERLY - GRAND PRAIRIE ANNEXATION
 TO THE CITY OF ALBANY
 in Sections 8, 9, 16 & 17, T. 11 S., R. 3 W., W.M.



- Proposed Annexation Boundary
- Parcels Approved for Annexation by Owners

J SERVICES, INC.
 1000 P.O. Box 668
 Ore 97321
 11926 9404
 ENGINEERING
 PLANNING
 CONSULTING

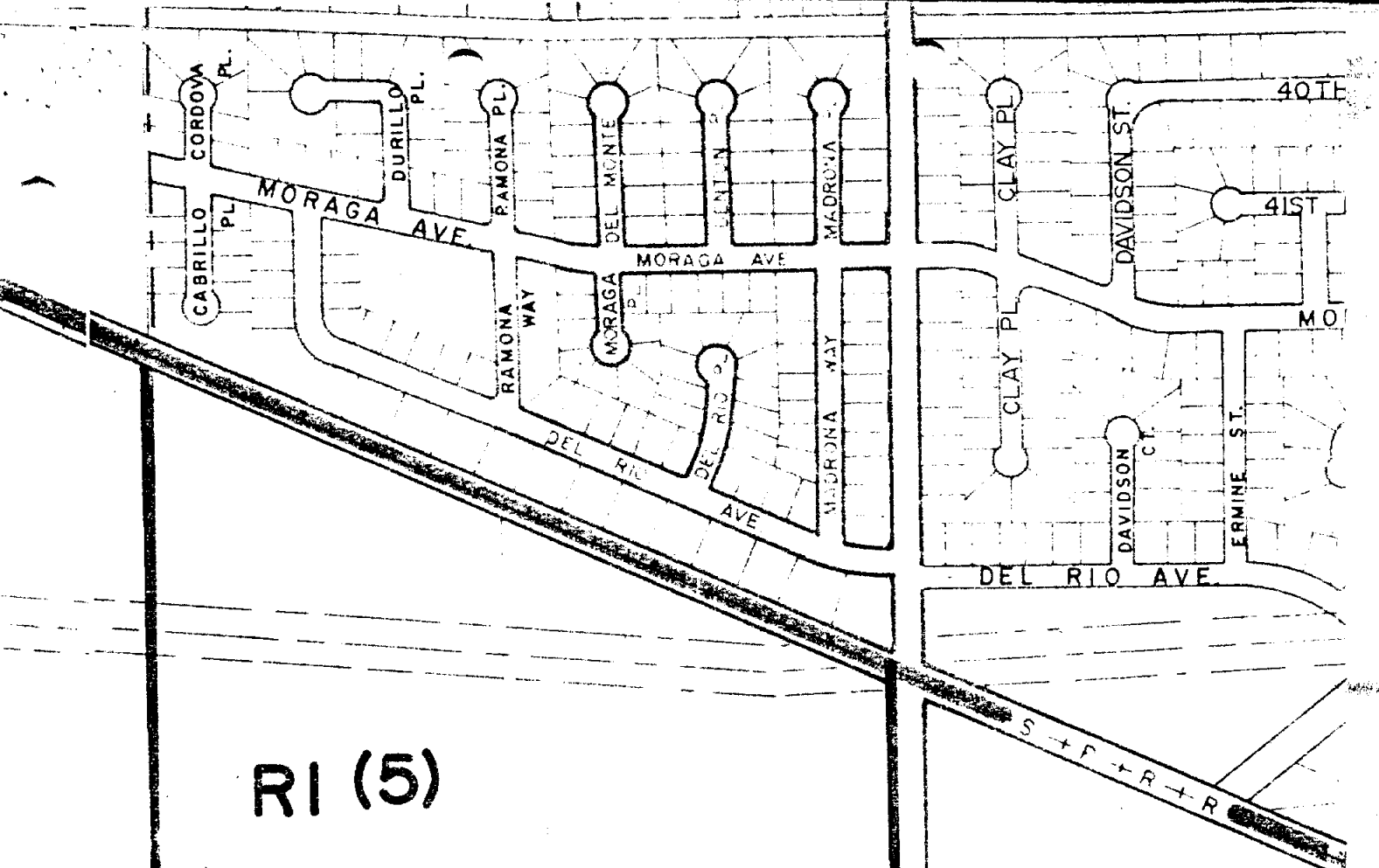
Map 6



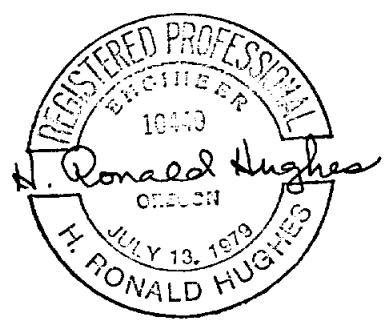
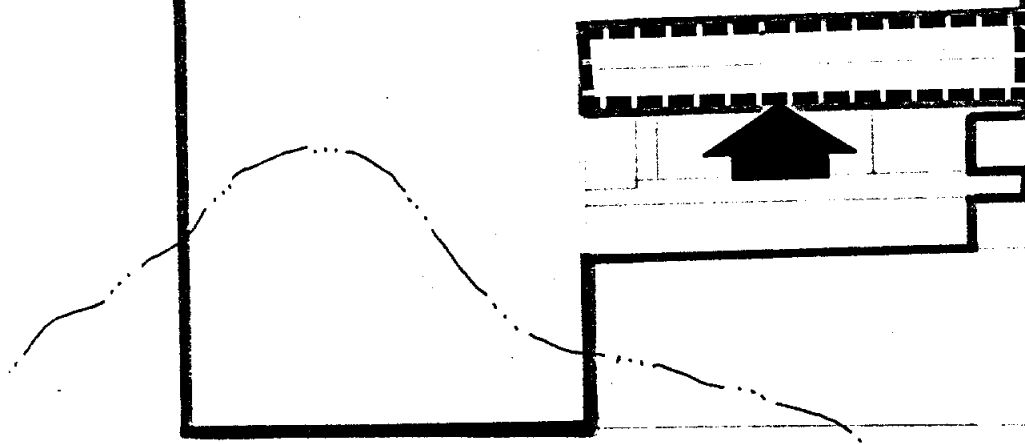
H. Ronald Hughes (Hoag)
Landmark Development Corp

ICES, INC.

MAP TO BE STAMPED BY REGISTERED ENGINEER



RI (5)



Baker/Smith

10/79

MBUS ST.

EXHIBIT "A"

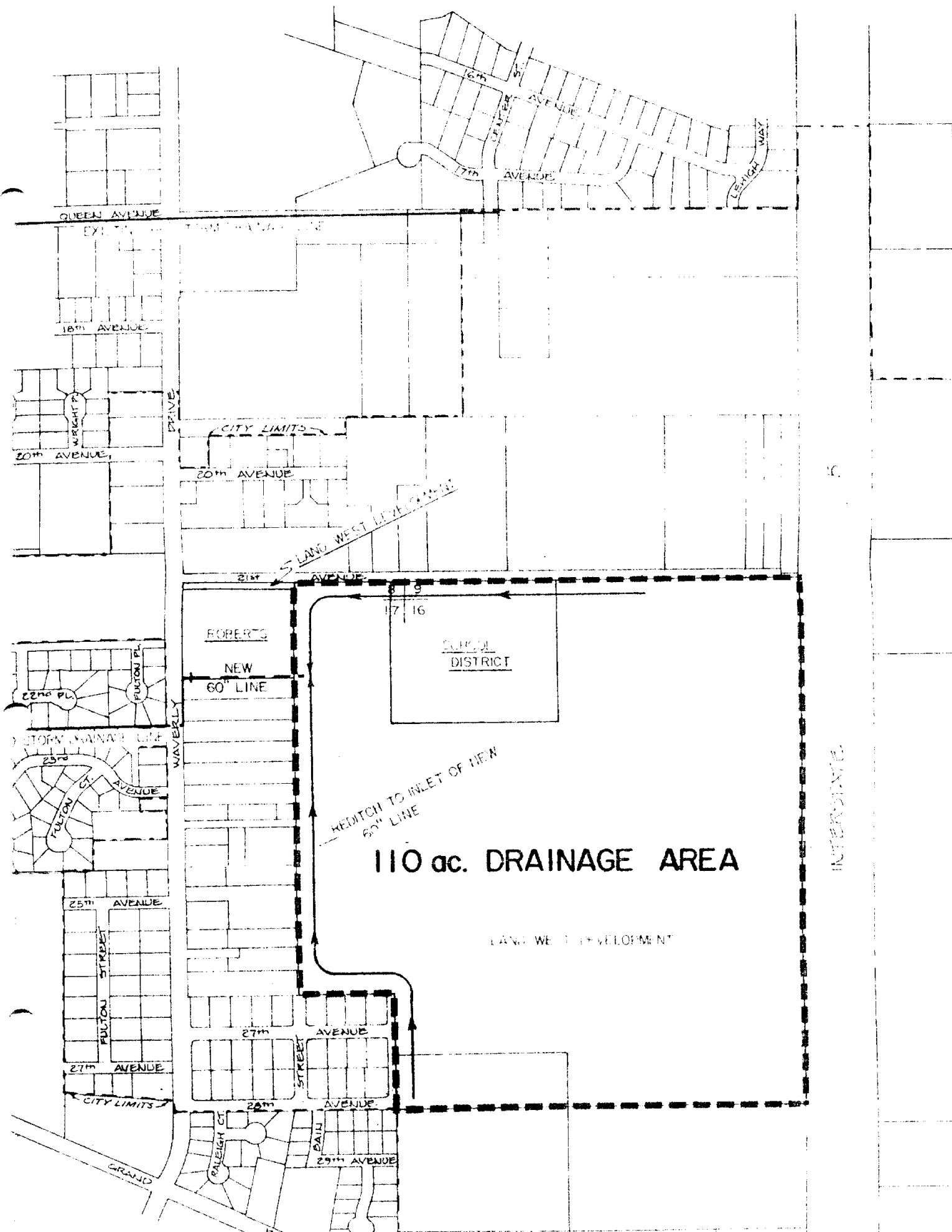
PROPOSED

EARLY - GRAND PRAIRIE ANNEXATION TO THE CITY OF ALBANY

in Sections 8, 9, 16 & 17, T. 11 S., R. 3 W., W.M.

FEBRUARY, 1980

SCALE





Date Received: _____
Approved/Rejected: _____
Percentage: _____

PETITION FOR IMPROVEMENT
and
WAIVER OF REMONSTRANCE

We, the undersigned property owners, or authorized agents, do hereby petition the Albany City Council for Public Improvement at the following location(s):

South of 21st Avenue West of Interstate 5 (See attached map)

such improvements(s) to consist of the following: Pavement _____, Curbs & Gutter _____, Sidewalks _____
Sanitary Sewer _____, Storm Drainage X _____, Other _____

and do hereby waive the ten (10) day Notice of Public Hearing as required by Ordinance No. 2864 and further waive the right to be heard at a Public Hearing, in accordance with said ordinance, and further agree to be included in the assessment district outlined in the Engineer's Report of _____ if such report is available.

Dated this 11 day of June, 1980.

Owner/Agent Name (Printed)

Signature

Address

Property/Tax Map No

Land West Development

3828 Linn Ave, Albany, OR 11-3W-16-800-8802

Greater Albany Public Schools

2810 Elm S.W., Albany, OR 11-3W-16-801

1-1-74

BARGAIN AND SALE DEED



KNOW ALL MEN BY THESE PRESENTS, That LAND WEST DEVELOPMENT, INC., an Oregon corporation, & MARSHALL LAND, INC., an Oregon corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto CITY OF ALBANY, a Municipal corporation, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn, State of Oregon, described as follows, to-wit:

A strip of land for roadway purposes being 27 feet of even width, the boundary of which is described as follows:

Beginning at a point which is the intersection of the easterly right-of-way of Waverly Drive and the southerly right-of-way of 21st Avenue in the City of Albany, Linn County, Oregon; said point also being North 01°39' West 2199.78 feet and North 88°40'30" East 50.00 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 88°40'30" East along said southerly right-of-way a distance of 462.50 feet to the northeast corner of that tract described in Volume 201, Page 802, Linn County Deed Records; thence South 01°39' East 27.00 feet; thence South 88°40'30" West parallel to said southerly right-of-way 462.50 feet to said easterly right-of-way; thence North 01°39' West along said easterly right-of-way 27.00 feet to the true place of beginning

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which).~~ (The sentence between the symbols [Ⓢ], if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 7th day of June, 1980; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

LAND WEST DEVELOPMENT, INC.

By: [Signature], President

MARSHALL LAND, INC.

By: [Signature], President

(If executed by a corporation, affix corporate seal)

STATE OF OREGON,)

County of _____) ss. _____, 19_____

STATE OF OREGON, County of Linn _____) ss. _____, June 4, 1980

Personally appeared Robert G. Hoag and Alan Dapp

who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of

Grantor corporations

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me:

(OFFICIAL SEAL)

Notary Public for Oregon My commission expires _____

[Signature of Notary]

Notary Public for Oregon

My commission expires: 10-9-82

(OFFICIAL SEAL)

LAND WEST DEVELOPMENT, INC. & MARSHALL LAND, INC.

GRANTOR'S NAME AND ADDRESS

CITY OF ALBANY

GRANTEE'S NAME AND ADDRESS

After recording return to:

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

NAME, ADDRESS, ZIP

STATE OF OREGON,)

County of _____) ss. _____

I certify that the within instrument was received for record on the _____ day of _____, 19_____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as document/fee/file/instrument/microfilm No. _____ Record of Deeds of said county.

Witness my hand and seal of County affixed.

NAME TITLE

By _____ Deputy

SPACE RESERVED FOR RECORDER'S USE

MAINTENANCE EASEMENT

THIS AGREEMENT is made and entered into this 12th day of June, 1980, by and between JOHN A. FAHNRICH and ELIZABETH ~~X~~. FAHNRICH, husband and wife, ALLEN R. ROBERTS and JANICE M. ROBERTS, husband and wife, and LARRY L. ROBERTS and MARY ROBERTS, husband and wife, hereinafter called "FAHNRICH", and THE CITY OF ALBANY, hereinafter called "ALBANY".

WHEREAS, JOHN A. FAHNRICH and ELIZABETH ~~X~~. FAHNRICH, husband and wife, have sold to ALLEN R. ROBERTS and JANICE M. ROBERTS, husband and wife, and LARRY L. ROBERTS and MARY ROBERTS, husband and wife, on a Land Sales Contract their interest in the following described property, to-wit:

Beginning at a point on the easterly right-of-way of Waverly Drive and which is North 01°39' West 1774.78 feet and North 89°04' East 35.00 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being on the south line of that tract described in Volume 201, page 802, Linn County Deed Records; and running thence North 89°04' East along said south line a distance of 477.50 feet to the southeast corner of said tract; thence North 01°39' West 15.00 feet; thence South 89°04' West parallel to said south line 477.50 feet to said easterly right-of-way; thence South 01°39' East 15.00 feet to the true place of beginning.

Faundrich does hereby grant unto Albany, or its successors or assigns, a perpetual nonexclusive right to enter upon and use the aforescribed property for the purposes of maintaining, constucting and reconstructing a storm sewer line on the

aforescribed parcel of property.

Albany's use of the property as above described shall be done so as to create as little interference with the adjacent property as is reasonably possible and when the work is completed the aforescribed property shall be restored to the condition it was in prior to the time Albany entered upon the property.

The consideration for this easement is the benefit, either real or hoped for, to Fahndrich's property adjacent to the aforescribed parcel.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands the day and year first above written.

John A. Fahndrich
John A. Fahndrich

Elizabeth Fahndrich
Elizabeth Fahndrich

Allen R. Roberts
Allen R. Roberts

Janice M. Roberts
Janice M. Roberts

Larry L. Roberts
Larry L. Roberts

Mary Roberts
Mary Roberts

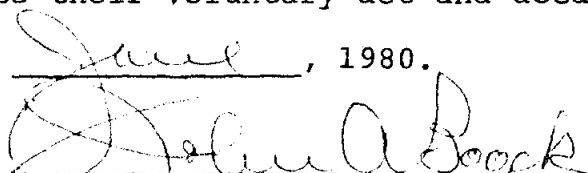
CITY OF ALBANY

By: _____

STATE OF OREGON)
County of Linn) ss.
City of Albany)

Before me personally appeared the above-named John A. Fahndrich, Elizabeth F. Fahndrich, Allen R. Roberts, Janice M. Roberts, Larry L. Roberts and Mary Roberts and acknowledged the foregoing instrument to be their voluntary act and deed.

Dated this 12 day of June, 1980.


Notary Public for Oregon
My Commission Expires: 5/26/82

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Richard S. Olsen, Mayor of the City of Albany, Oregon, pursuant to Resolution No. _____, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated this _____ day of _____, 1980.

City of Albany

Mayor

Recorder

TEMPORARY MAINTENANCE AGREEMENT

THIS AGREEMENT is made and entered into this 12TH day of June, 1980, by and between JOHN A. FAHNDRICH and ELIZABETH X. FAHNDRICH, husband and wife, ALLEN R. ROBERTS and JANICE M. ROBERTS, husband and wife, and LARRY L. ROBERTS and MARY ROBERTS, husband and wife, hereinafter called "FAHNDRICH", and THE CITY OF ALBANY, hereinafter called "ALBANY".

WHEREAS, JOHN A. FAHNDRICH and ELIZABETH X. FAHNDRICH, husband and wife, have sold to ALLEN R. ROBERTS and JANICE M. ROBERTS, husband and wife, and LARRY L. ROBERTS and MARY ROBERTS, husband and wife, on a Land Sales Contract their interest in the following described property, to-wit:

Beginning at a point on the easterly right-of-way of Waverly Drive and which is North 01°39' West 1774.78 feet and North 89°04' East 35.00 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being on the south line of that tract described in Volume 201, page 802, Linn County Deed Records; and running thence North 89°04' East along said south line a distance of 477.50 feet to the southeast corner of said tract; thence North 01°39' West 50.00 feet; thence South 89°04' West parallel to said south line 477.50 feet to said easterly right-of-way; thence South 01°39' East 50.00 feet to the true place of beginning.

Fahndrich does hereby grant unto Albany, its successors or assigns, the temporary nonexclusive right to enter upon and use the aforescribed parcel of property for the purposes

of constructing or reconstructing a storm sewer line thereon.

Albany's use of the property as above described shall be done so as to create as little interference with the adjacent property as is reasonably possible and when the work is completed the aforescribed property shall be restored to the condition it was in prior to the time Albany entered upon the property.

The consideration for this easement is the benefit, either real or hoped for, to Fahndrich's property adjacent to the aforescribed parcel.

This easement over the aforescribed parcel of property shall terminate upon the completion of the construction of the storm sewer line; however, in no event shall the easement continue past June 1, 1981.

IN WITNESS WHEREOF, the parties have hereunto affixed their hands the day and year first above written.

CITY OF ALBANY

John A. Fahndrich
John A. Fahndrich

By: _____

Elizabeth A. Fahndrich
Elizabeth A. Fahndrich

Allen R. Roberts
Allen R. Roberts

Janice M. Roberts
Janice M. Roberts

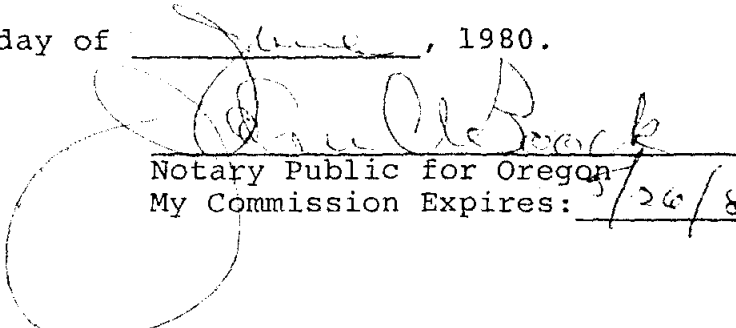
Larry L. Roberts
Larry L. Roberts

Mary Roberts
Mary Roberts

STATE OF OREGON)
County of Linn) ss.
City of Albany)

Before me personally appeared the above-named John A. Fahndrich, Elizabeth F. Fahndrich, Allen R. Roberts, Janice M. Roberts, Larry L. Roberts and Mary Roberts and acknowledged the foregoing instrument to be their voluntary act and deed.

Dated this 12 day of June, 1980.


Notary Public for Oregon
My Commission Expires: 5/26/82

STATE OF OREGON)
County of Linn) ss.
City of Albany)

I, Richard S. Olsen, Mayor of the City of Albany, Oregon, pursuant to Resolution No. _____, do hereby accept on behalf of the City of Albany, the above easement pursuant to the terms thereof.

Dated this _____ day of _____, 1980.

City of Albany

Mayor

Recorder

1-1-74

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That LAND WEST DEVELOPMENT, INC., an Oregon corporation, & MARSHALL LAND, INC., an Oregon corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto JOHN A. FAHNDRICH, ELIZABETH P. FAHNDRICH, H&W, ALLEN R. ROBERTS & JANICE M. ROBERTS, H&W, AND LARRY L. ROBERTS & MARY ROBERTS, H&W hereinafter called grantees, and unto grantor's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Linn State of Oregon, described as follows, to-wit:

Beginning at a point on the easterly right-of-way of Waverly Drive and which is North 01°39' West 2199.78 feet, North 88°40'30" East 50.00 feet and South 01°39' East 27.00 feet from the southwest corner of the Anderson Cox Donation Land Claim No. 49 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North 88°40'30" East a distance of 462.50 feet to the east line of that tract described in Volume 201, Page 802, Linn County Deed Records; thence South 01°39' East along said east line 3.00 feet; thence South 88°40'30" West 462.50 feet to said easterly right-of-way; thence North 01°39' West 3.00 feet to the true place of beginning.

1) Grantee agrees to pay that portion of the improvement costs normally assessed to each adjoining property owner that is benefiting from the improvement thereon.

2) In the event of any excess dirt up to 400 cubic yards caused by the installation of the storm and sanitary sewers over the said property Grantor does hereby agree to remove the same at its expense.

(Continued on Reverse Side)

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantees and grantees's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ **See above.

~~However, the actual consideration consists of or includes other property or value given or promised which is the whole or part of the consideration (indicate which).~~ (The sentence between the symbols, if not applicable should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of June, 1980; and the corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

LAND WEST DEVELOPMENT, INC.

By: [Signature], President
MARSHALL LAND, INC.

By: [Signature], President

(If executed by a corporation, affix corporate seal)

STATE OF OREGON)
County of) ss.
19

STATE OF OREGON, County of Linn) ss.
June 1980

Personally appeared Robert G. Hoag and Alan Dapp who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of Grantor Corporations

Personally appeared the above named and acknowledged the foregoing instrument to be their voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: (OFFICIAL SEAL)
Notary Public for Oregon
My commission expires

Before me: (OFFICIAL SEAL)
Notary Public for Oregon
My commission expires

LAND WEST DEVELOPMENT, INC. & MARSHALL LAND, INC.
GRANTOR'S NAME AND ADDRESS
JOHN A. FAHNDRICH, et al
GRANTEE'S NAME AND ADDRESS
After recording return to:
NAME, ADDRESS, ZIP
Until a change is requested all tax statements shall be sent to the following address:
NAME, ADDRESS, ZIP

STATE OF OREGON,) ss.
County of)
I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book/reel volume No on page or as document fee file/instrument/microfilm No. Record of Deeds of said county.
Witness my hand and seal of County affixed.
Deputy