

ORDINANCE NO. 4460

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 6.57 ACRES OF PROPERTY LOCATED WEST OF NORTH ALBANY ROAD BETWEEN HICKORY DRIVE AND HIGHWAY 20 AS R-1 PUD ZONING AND WITHDRAWING SAID TERRITORY FROM THE NORTH ALBANY RURAL FIRE PROTECTION DISTRICT AND NORTH ALBANY SERVICE 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. 4453 adopted on the 14th day of October, 1981, 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 28th day of October, 1981, 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 North Albany Rural Fire Protection District and the North Albany Service 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the North Albany Rural Fire Protection District and the North Albany Service District; and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 adopted by separate motion 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 attached legal description)--is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as R-1 PUD.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the North Albany Rural Fire Protection District and North Albany Service District.

Section 3: After the effective date of this ordinance, the City Recorder shall submit to the Secretary of State of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this ordinance, a copy of Ordinance No. 4453, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Benton County, Oregon.

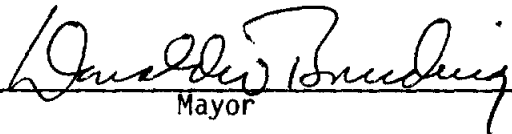
Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon.

Passed by the Council: November 18, 1981

Approved by the Mayor: November 18, 1981

Effective Date of this Ordinance: December 18, 1981

Effective Date of this Annexation: _____
(date filed with Oregon Secretary of State)


Mayor

ATTEST:


City Recorder

Timberland

ENGINEERS · SURVEYORS



McCullough

FORESTERS · PLANNERS

1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

November 12, 1981

Mr. Gary Peacock
4534 Shady Oak Way
Fair Oaks, CA 95628

PEACOCK ANNEXATION

9.15 Acre (including right-of-way)

Beginning at a point which is North 86°00'00" West 22.18 chains, South 13°06'00" West 14.44 chains, South 86°03'39" East 164.61 feet and South 03°58'02" West 2.50 feet from the northeast corner of the A.M. Rainwater Donation Land Claim No. 39 in Township 11 South and Range 4 West of the Willamette Meridian in Benton County, Oregon; said point also being on the westerly right-of-way of County Road No. 14401; and running thence South 03°58'02" West along said right-of-way a distance of 60.00 feet to the southerly right-of-way thereof; thence South 86°13'14" East along said southerly right-of-way 4.65 feet; thence South 00°17'36" East 757.17 feet to a point on the northerly right-of-way of U.S. Highway 20 at Engineers Station 64 + 34.85; thence South 00°17'36" East 151.33 feet; thence North 82°07'08" East 534.26 feet to a point on the southerly extension of the easterly right-of-way of County Road No. 14400; thence North 13°17'00" West along said easterly right-of-way and extension thereof 733.24 feet; thence North 07°34'16" West 100.47 feet; thence North 24°35'36" West 50.99 feet; thence North 13°17'00" West 14.52 feet to the northerly right-of-way of County Road No. 14401; thence North 86°13'14" West 328.80 feet to the true place of beginning.

E. Ron Cook, PLS #1073

PROPOSED ANNEXATION VICINITY MAP

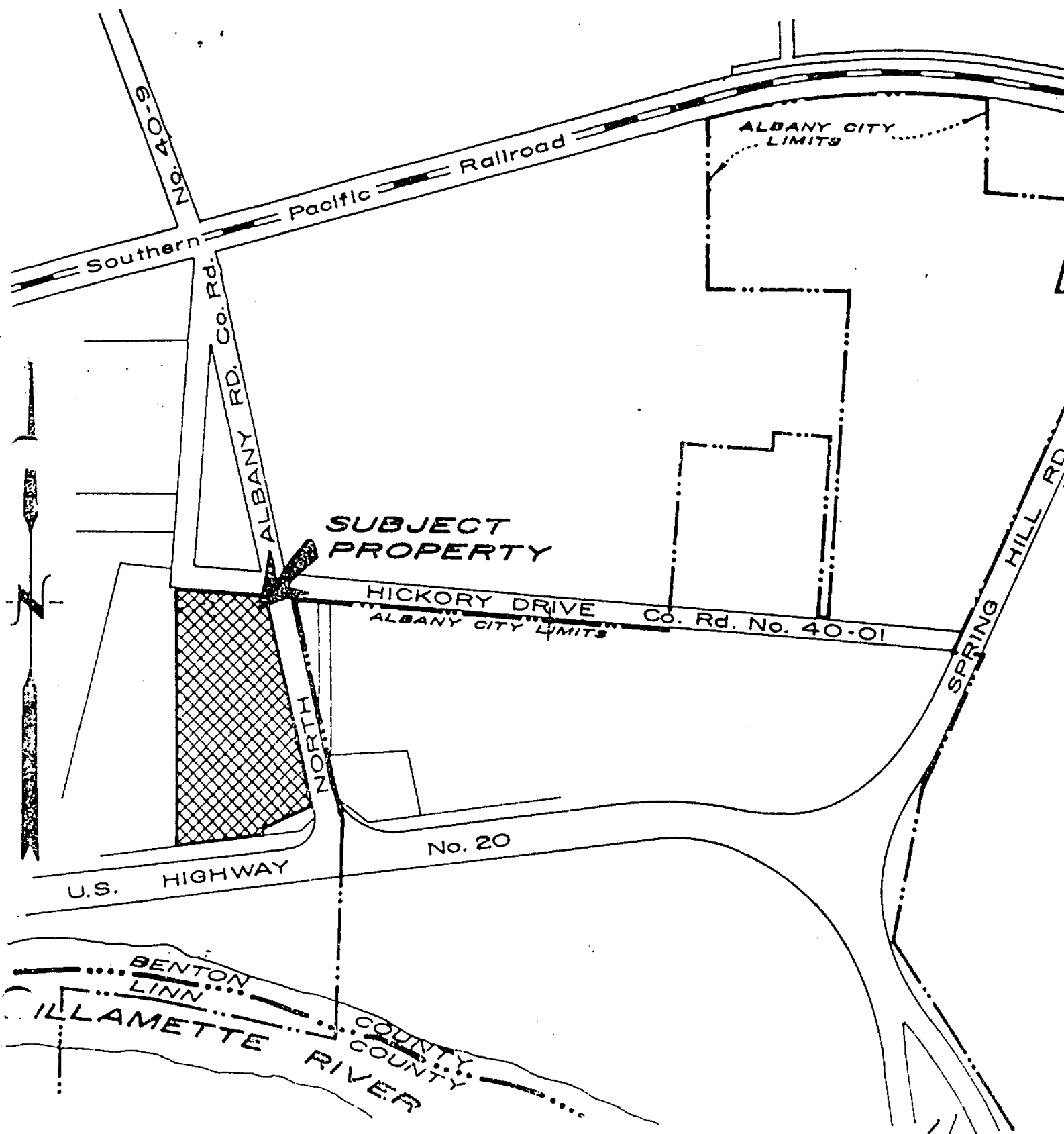
FOR

GARY L. PEACOCK

N.E.1/4, S.E.1/4, SECTION 1, T.11S., R.4W., W.M.

BENTON COUNTY, OREGON

Scale: 1" = 400' June 29, 1981

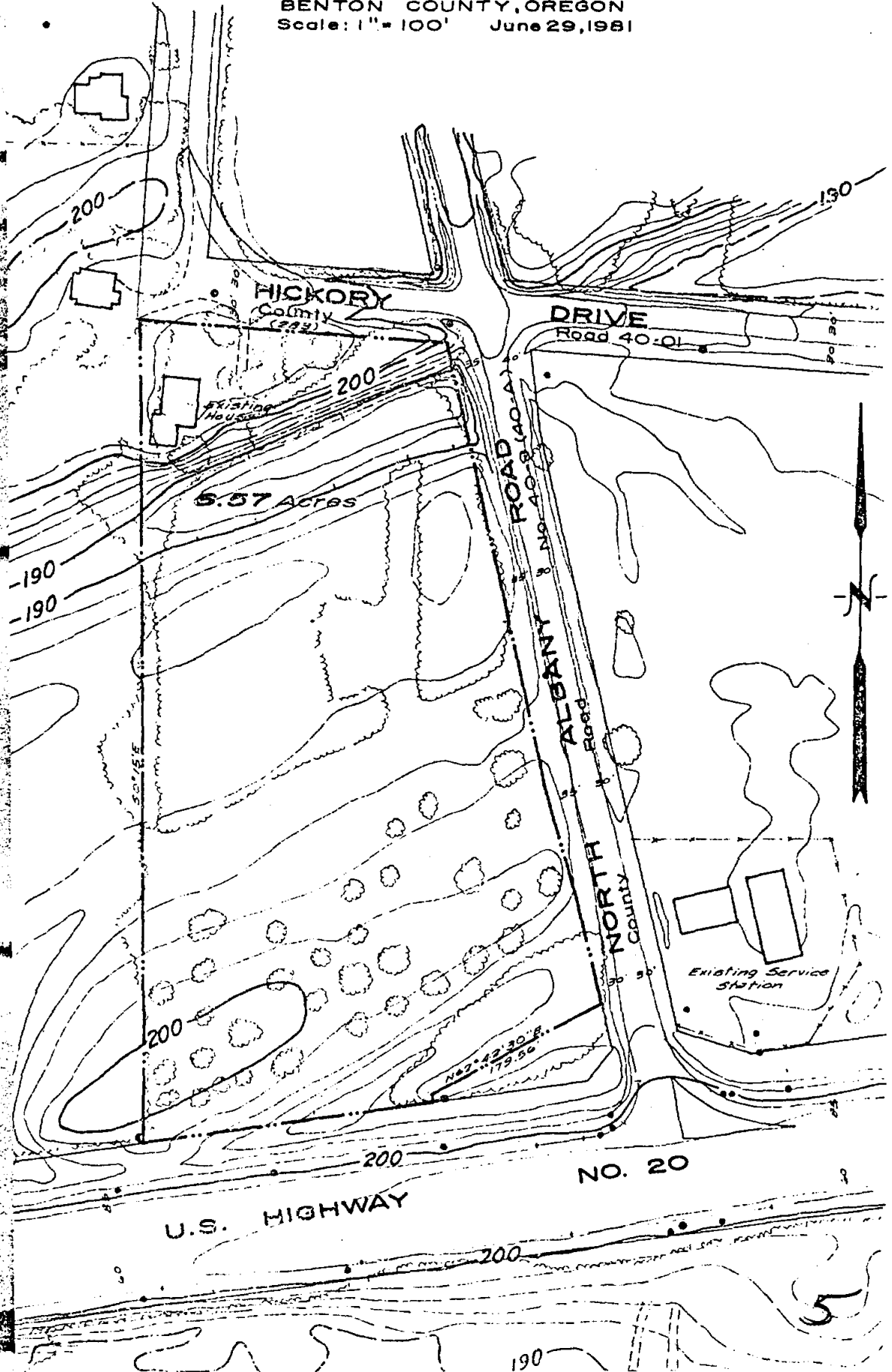


PROPOSED ANNEXATION
FOR
GARY L. PEACOCK

N.E. 1/4, S.E. 1/4, SECTION 1, T. 11 S., R. 4 W., W.M.

BENTON COUNTY, OREGON

Scale: 1" = 100' June 29, 1981



SUGGESTED CONDITIONS

1. The subject property shall be designated as a Planned Unit Development.
2. No filling shall occur on the subject property without a fill permit from the City Public Works Department (Engineering Division).
3. The legal description must be amended to include the adjoining sections of Highway 20 and North Albany Road.

PLANNING COMMISSION RECOMMENDATION

At its regular meeting held October 5, 1981, the Commission recommended approval of the annexation and requested R-1 PUD zoning on the basis of the applicant's findings as amended and with the additional amendment on page four of the narrative entitled "Conformance with the Comprehensive Plan Document" to reflect that those words labeled as "Conclusion" by the applicant be changed to "Finding"; and that the paragraph under Section II. "Hazards" which begins with the words "Clearly," be labeled as the "Conclusion." The motion to recommend approval was further based upon the conditions as suggested in the Planning Commission staff report dated August 3, 1981. The motion to recommend approval was unanimous.

ATTACHMENTS

1. Location map
2. Proposed findings in favor of the request

12
7-6-81
APL

PEACOCK ANNEXATION REQUEST

INTRODUCTION

The Peacock property is within the City of Albany Urban Growth Boundary. It is located north of Highway 20, west of North Albany Road and south of Hickory Drive in the Northeast 1/4 of the Southeast 1/4 of Section 1, Township 11 South, Range 4 West of the Willamette Meridian, in Benton County, Oregon. The property adjoins the city limits along North Albany Road. The parcel contains 6.57 acres based on Benton County Assessor's Office records.

The property is within the Willamette River flood fringe. No portion of the property is in the floodway. Based on topographic maps prepared for the North Albany County Service District, by HGE Engineers and Planners, the elevation of the property ranges from 184.9 feet to 204.6 feet. The November 1979, Corps of Engineers' study indicates that the flood fringe elevation in this area is approximately 203 feet.

There is a older home on the property. It is currently used as a rental. At present, it is vacant.

The land at one time was a cherry orchard. The cherry trees are now over grown with brush and vines indicating that the orchard has not been maintained for several years.

In addition to the cherry trees, there are a number of significant walnut and evergreen trees on the property. Most of these are located along the north portion, near the house.

There are no public water or sanitary sewer facilities now on site. They can be extended.

CONFORMANCE WITH THE
COMPREHENSIVE PLAN DOCUMENT

Chapter One - Environmental Setting

1. NATURAL RESOURCES

A. Vegetation and Wildlife Habitat

Goal: Ensure vegetation is an integral part of Albany's environment by protecting and utilizing existing vegetation and by including new plantings in existing and new developments.

As indicated in the introduction regarding physical characteristics of this property, there are several large or significant trees. It is the intent, at this point, to preserve as many of these trees as possible. As the zoning being requested also includes the Planned Unit Development overlay zone the city is assured of the right to review landscaping plans regarding this project prior to allowing any development.

There is not an area which can readily be called forested. The area appears to have been at one time a cherry orchard. There are also a few significant walnut and conifer trees on the property.

This property is not designated as an area of natural vegetation and wildlife habitat according to Plate 4, page 137 of the Comprehensive Plan Document.

Conclusion: The property is not an identified wildlife habitat or area of natural vegetation according to the comprehensive plan. There are several significant trees associated with the property. By the use of the Planned Unit Development overlay zone, the city is assured review of any proposed landscaping or development plans on the property.

Proposed Finding: The proposed annexation and zoning are consistent with the Vegetation and Wildlife Habitat goal of the Albany Comprehensive Plan.

B. Agriculture and Forestry

Goal: Preserve existing agricultural lands within the urban growth boundary until such time as the land is needed for urban use.

Plate II - Existing Agricultural Use, page 144 of the Albany Comprehensive Plan indicates that the subject property is now used for agricultural pursuits. As indicated previously, a portion of the area at one time was a cherry orchard. It is not now in active production. It is overgrown with brush and appears to have been left fallow for several seasons. The major soil type associated with this property is Pilchuck fine sandy loam*

*This soil has a capability classification IVw. Over 75% of the property is indicated by the Soil Survey of Benton County Area, Oregon. Published by the U.S. Department of Agriculture Soil Conservation Service as Pilchuck fine sandy loam. The woodland suitability rating for this type of soil is 0.

Conclusion: The property in question is not now in active farm use.

Proposed Finding: Allowing the proposed annexation would be consistent with the Albany Comprehensive Plan relating forestry and agriculture.

C. Sand and Gravel

Goal: Ensure the protection of natural resources.

The property in question has not been identified as possessing any sand and/or gravel deposits suitable for commercial enterprises. Further, the comprehensive plan indicates that this area is suited to residential development. Were it found that aggregate were available in commercial quantities, the required industrial designation of such an enterprise would not be compatible with the existing and proposed land use pattern within the area.

Conclusion: There are no known natural resources associated with the property. Further by virtue of location the property would be unsuitable as an extraction site.

Proposed Finding: Annexation of the property in question, would be consistent with the comprehensive plan section related to sand and gravel resources.

D. Open Space Resources

Goal: Ensure provisions of open spaces, and protection of natural resources.

The property in question has not been designated as a scenic area. There are no vistas of the river from the site. This area is not designated as needed for a park site on Plate 9 Park and School Sites of the Albany Comprehensive Plan Document. The request for the Planned Unit Development overlay zone will help to ensure that open space is maintained at the time of development.

Conclusion: There are no documents within the Albany Comprehensive Plan which would indicate that this property is required or desirable for open space or for its scenic and natural resources.

Proposed Finding: The annexation of this property would be consistent with the Open Space Resources section of the Albany Comprehensive Plan.

E. Water Quality

Goal: Reduce water pollution in the Albany area and ensure that future land use activities maintain water quality standards.

The property, when developed, would be required to be connected to city sanitary sewer facilities. At present, the house on the property is presumed to be utilizing a septic tank system for disposal. The use of the city's sanitary system would alleviate potential water quality problems, which could be associated with the use of septic tank systems.

The City of Albany is also required to conform to state environmental regulations.

Conclusion: Annexation of the property and the future connection to the city's sanitary sewer system could help alleviate a potential water quality problem precipitated by the existing septic tank system. Further, as the future development would be required to connect to the city sewer system, it would be assured that water quality standards would be met at the time of development.

Proposed Finding: The proposed annexation would be consistent with the Water Quality section of the Albany Comprehensive Plan.

F. Air Quality

Goal: Reduce air pollution in the Albany area and ensure that future land use activities maintain air quality standards.

The property in question is proposed for residential development. It is not envisioned to possess the type of air quality problems, or potential problems which might be associated with an industrial or commercial area. The air contaminants associated with a residential site would generally be those either attributable to the automobiles of the tenants and guests or the wood burning stoves or fireplaces which may be installed in any future dwellings.

Conclusion: Annexing the property and allowing the construction of dwellings at some future date would not reduce pollution in the Albany area. It would, however, not significantly increase the pollution of the airshed. It would maintain the air quality of the area.

Proposed Finding: The proposed annexation would be consistent with the Air Quality Section of the Adopted Albany Comprehensive Plan.

G. Sound Quality

Goal: Reduce the adverse effects of noise in the Albany area.

The proposed use of the property is residential. There would not be the significant and constant noise generation associated with a residential use which might be anticipated from an industrial or commercial use.

The noise problems, which may be associated with this property, would concern ameliorating any problems which might be associated with development adjacent to a highway. This will be considered at the time of development.

Conclusion: No significant increase in noise generation would be anticipated by the annexation and development of this property as residential. Any consideration for reducing the noise impact on future residents created by development in proximity to Highway 20 would appropriately be considered with the development plans.

Proposed Finding: The annexation and proposed R1(8) PUD zoning is in compliance with the Albany Comprehensive Plan.

II. HAZARDS

A. Flooding, Slopes, High Water, and Ponding.

Goal: Protect life and property from natural disasters and hazards.

The property under consideration is within the flood fringe of the Willamette River as determined by the Corp of Engineers Study, completed in November of 1979. No part of the property is within the floodway. The flood fringe elevation at this reach of the river is approximately 203 feet. The property ranges from 184.9 to 204.6 feet in elevation, based on Benton County information.

Proposed Conclusion: Clearly, there will be a potential for filling this area. There is much of the land which can be utilized for dwelling construction with a minimum amount of fill. The exact depth and nature of the fill will be determined when the development plan is designed.

Proposed to be Finding: Conclusion: The property is in the flood plain. It is however, in the flood fringe. Special design and/or engineering will be required to assure that the goal of the hazards section of the comprehensive plan is met.

+ Proposed Finding: The property may be developed in such a manner as to meet the Hazards Goal of the Albany Comprehensive Plan.

III. SPECIAL AREAS

A. Willamette Greenway

Goal: Protect, conserve, enhance and maintain the natural, scenic, historic, economic and recreational qualities of the Willamette River, its banks, and adjacent lands.

The property in question is not within the Willamette Greenway, as determined in the Albany Comprehensive Plan and on the City of Albany zoning map. The property is separated from the greenway boundary by Highway 20. As indicated earlier, there are no vistas of the river from this site. From a scenic and recreation standpoint this area is not directly linked to the Willamette River.

Conclusion: The property is not within or a desirable part of the Willamette River Greenway.

Proposed Finding: The Willamette Greenway provisions of the Albany Comprehensive Plan are not applicable to this proposed annexation.

B. Historic and Archaeological Resources

Goal: Protect Albany's Historic Resources and utilize and enhance those resources for Albany residents and visitors.

The property is not within a designated historic district. There is an old farm house on the property. Its historic significants has not been researched thoroughly. At this point it does not appear to be a significant historic structure. There are no known archaeological resources on site.

Conclusion: This parcel does not contain an historic resource nor is it a known archaeological site.

Proposed Finding: The Historic and Archaeological Resources section of the Albany Comprehensive plan are not applicable to the proposed annexation request.

Chapter Two - Community Needs

I. POPULATION CHARACTERISTICS AND PROJECTIONS

This section of the plan contains no goal statement it, therefore, is not addressed.

II. ECONOMIC DEVELOPMENT

A. Economic Structure

This section of the plan contains no goal statement it, therefore, is not addressed.

B. Commercial and Industrial Land Use Needs

Goals: Diversify the economic base in the City of Albany and strengthen Albany's role as a regional economics center.

Maintain the median income of Albany's residents at or near state and county levels and provide jobs for Albany's residents.

The property under consideration is intended for residential use. There is no commercial or industrial activity planned for this property.

Conclusion: The property is not to be used as a commercial or industrial site.

Proposed Finding: The Commercial and Industrial Land Use Needs portion of the Albany Comprehensive Plan is not applicable to this request.

III. HOUSING

Goal: Provide for the housing needs of all Albany's citizens.

The property in question contains approximately 6.57 acres. At the proposed density of one unit per 8,000 square feet the property could house 36 units. With the advent of the new Development code this figure may be substantially reduced as the code only allows a density of 50% of the base zone when applied to an area within the flood fringe.

Conclusion: The property can be utilized to provide housing for Albany's residents. The exact nature and number has yet to be determined.

Proposed Finding: The proposed annexation is in conformance with the Housing Section of the Comprehensive Plan.

IV. TRANSPORTATION

Goal: Provide a safe, diversified, and efficient transportation system, which protects and enhances our local economy, environment, scenery, and neighborhoods.

The property will most likely have its major access on to Hickory Drive, which directly access to North Albany Road. The property is bounded by Hickory Drive, North Albany Road, and State Highway 20. There is a controlled intersection at Highway 20, and North Albany Road. North Albany Road is a designated arterial as is Highway 20. Any traffic generated from the future development of this project would not need to be routed through any neighborhood streets, other than those which may be required on site, to access to an arterial street.

Conclusion: The property has good access to the arterial street system.

Proposed Finding: The proposed annexation is in conformance with the Transportation section of the Albany Comprehensive Plan.

V. PUBLIC SERVICES AND FACILITIES

Goal: Ensure the provision of a full range of public utilities and services to serve the Albany urban area in a timely and orderly fashion and maintain the quality of services commensurate with new growth.

A. Water Service

According to the North Albany Service District there is a 20 inch waterline located along Hickory Drive. This line runs from Spring Hill Road to North Albany Road. At North Albany Road it turns northerly. This line could be extended westerly across North Albany Road to the subject property.

Conclusion: Water service of adequate quality and quantity can be extended to the site.

B. Storm Drainage

At this point, there is no major storm sewer infra-structure within the area. There are the ditches along both Highway 20 and North Albany Road. These may be adequate to handle the storm run off. An analysis of the storm sewer needs and design could be more adequately addressed at the time a firm development proposal is submitted.

C. Sewage Treatment

The nearest sanitary sewer line within the vicinity of the proposed annexation is an 18 inch line located in Hickory Drive, which ends at a manhole 700 feet west of the intersection of Hickory Drive and Sprinhill Road. This is approximately 1500 feet east of the proposed annexation. This line has an invert elevation of 180.7 feet. Extending the line the required 1500 feet would bring the invert elevation up approximately 2 feet at the property line. This would be approximately 183 feet in elevation or about 2 feet below the lowest point on the property.

Conclusion: Sanitary sewer can be extended to the site without utilizing a lift station. To extend the sewer it will require the cooperation of other property owners along Hickory Drive. Most likely an assessment district would need to be created to fund the extension of the sanitary sewer line.

D. Solid Waste

The property, as residential will generate some solid waste. The exact nature and quantity is not ascertainable.

Conclusion: Solid waste typical of residential dwellings may at some future date be generated once the project is completed and housing residents.

E. Other Utilities

Other utilities such as natural gas and electric power are either available to the site or can be extended to serve this property.

Conclusion: Other utilities can be provided to the property.

F. Police and Fire Protection Services

The annexation and eventual development of the property could add to the burden of both Fire and Police protection services. At this preliminary stage it is impossible to estimate with any assumed degree of accuracy what that impact may eventually be.

G. Health Services

The impact of annexing this site should not have any direct impact on health services. The eventual development of the property may add to the overall population thereby increasing the demand for health services. The nature and amount of that increased demand are not at this time ascertainable.

H. City Support Services

The exact impact on city support services is not known. The amount of increase to the city's tax base can be however projected based on the assessed value. Annexation of this property will increase the city's tax base by $(\frac{31,250 \times 7.18}{1,000}) = 224$. These funds should at least partially defray the costs of providing support services.

I. Education

The property is not proposed for an educational facility. Development of the property may increase the demand for all levels of education. The exact impact will depend on the nature of the eventual development and its occupants.

J. Social Amenities

The property is not proposed as a public park or public recreation area. However, based on the physical characteristics of the site and the proposed PUD designation it is reasonable to assume that there will be open space within any future development which may be utilized for recreation.

Proposed Finding: The public utilities necessary for development of this property are available or can be enlarged or extended to service this site. The other, more social, impacts can not be determined at this time and would appropriately be considered at the development stages.

Chapter Three - Growth Management Process

I. DIRECTING GROWTH

Goal: Achieve stable land use growth which results in a desirable and efficient land use pattern.

The property under consideration is located adjacent to the existing city limits. Its annexation appears to be a logical extension of the city. The property is well within the Urban Growth Boundary adopted by the City of Albany, and Linn and Benton Counties. The property is now vacant and would allow for the possibility of future residential development.

Conclusion: The annexation would be a logical extension of the City of Albany. It would allow development consistent with the comprehensive plan.

Proposed Finding: The proposed annexation is in compliance with the Directing Growth goal of the Albany Comprehensive Plan.

I. DEVELOPMENT REVIEW

Goal: Ensure that all new developments are reviewed expeditiously and thoroughly and result in compliance Comprehensive Plan goals and policies and ordinance standards.

There is, at this point, no development proposal.

Conclusion: As there is no development now proposed this section does not apply.

Proposed Finding: The Development Review goal of the Comprehensive Plan does not apply to the proposed annexation.

III. ENERGY CONSERVATION

Goal: Achieve efficient utilization of all types of energy, and maximize the conservation of non-renewable resources.

Much of the energy conservation measures will involve the actual development of the property. There are, however, some energy efficient qualities associated with the site itself. The property being near to commercial development would encourage walking or biking to shopping facilities. The property being adjacent to Highway 20 also allows for easy energy efficient commuting. The physical characteristics of the site lend to utilizing solar energy.

Conclusion: The property has certain qualities which can be considered as energy conservative.

Proposed Finding: The proposed annexation is in compliance with the Energy Conservation with the Albany Comprehensive Plan.

IV. PUBLIC INVOLVEMENT

Goal: Ensure that local citizens and other affected groups and agencies are involved in every phase of the planning process.

This property will be considered in the standard hearing and review process. It will be subjected to the public input procedures which are designed to ensure citizen input.

Conclusion: The proposed annexation and rezone request will be subject to public review.

V. UPDATING AND AMENDING THE PLAN

Goal: Facilitate a Plan update, review, and amendment process which keeps the plan current, but does not reduce the general long range reliability of the plan.

This request does not require an amendment to the comprehensive plan.

Conclusion: No revision of the comprehensive plan is required for this proposed annexation.

Proposed Findings: This request is in compliance with the applicable goals of Chapter Three - Growth Management Process of the Albany Comprehensive Plan.

STATEWIDE PLANNING GOALS

- Goal 1, Citizen Involvement - The applicable City of Albany procedures will be followed, hearing will be held before the Planning Commission and the City Council. Interested parties will be given an opportunity to present relevant testimony at those hearings.
- Goal 2, Landuse Planning - Evidence has been submitted to indicate compliance with the applicable sections of the newly adopted comprehensive plan (Pages 1-10).
- Goal 3, Agricultural Lands - The property is indicated as an existing agricultural use on the Albany Comprehensive Plan Map (Plate 11 Existing Agricultural Use, page 144). The property is not currently actively farmed. There are cherry trees on site, but basically they have been abandon and overgrown. The site is within the urban growth boundary and is, therefore indicated as needed for urban use. This property can not be considered as viable long term farm ground.
- Goal 4, Forest Lands - There is not a sufficient amount of marketable timber on-site to consider this property as forest land.
- Goal 5, Open Space - This is not designated as needed or desired public space. There will be open spaces incorporated in the final design, as required of any Planned Unit Development.
- Goal 6, Air, Water, and Land Resources Quality - All Federal, State and Local laws, rules and regulations regarding air, water and land resources quality are applicable to any future expansion or new development on the subject property. This will be properly considered at that time.
- Goal 7, Areas Subject to Natural Disasters and Hazards - The majority of the subject property is within the flood fring of the Willamette River. No part of the subject property is within the flood way.
- Goal 8, Recreation - This area is not designated as needed public recreation area in any known city document.
- Goal 9, Economy of the State - The property is not proposed for a commercial or industrial enterprise. Therefore, no longterm impact on the State's economy would be anticipated.
- Goal 10, Housing - This property is designated for future housing. The exact type and number of units has not yet been determined.
- Goal 11, Public Facilities and Services - The public works/utility type of services have been discussed previously. Fire and Police protection can be made available once the property is annexed.
- Goal 12, Transportation - The property is adjacent to State Highway 20. Norht Albany Road and Hickory Drive. Logic would dictate that the primary access would be on to Hickory Drive. The property is located in such a manner as to not require vehicular traffic to be directed over neighborhood streets. Highway 20 and North Albany Road appear to have adequate capacity to accommodate the potential increased traffic load.

Goal 13, Energy Conservation - As stated in the section related to compliance with the Comprehensive Plan, this property has locational and physical site characteristics, which lend the property to utilize energy saving measures. The property is within walking or biking distance of the shopping center. It is located adjacent to Highway 20, affording excellent access. Also, the site has the potential for solar application in some area

Goal 14, Urbanization - The property is within the Urban Growth Boundary. The property has been determined to be appropriate for urban use.

Proposed Finding: The proposed annexation is in compliance with the Land Conservation and Development Commissions' Statewide Planning Goals and Guide Lines.

*addendum
findings
submitted
10/5/81*

Need

The subject property is located in the North Albany portion of the City of Albany Urban Growth Boundary. It is in Benton County. There has been a constant and continuing problem related to contamination of the North Albany area aquifer. For years there have been cases of wells being rendered useless or persons suffering from gastrointestinal disorders related to drinking unpure water in the North Albany area.

In a 1975 Water Resources Division Interoffice Memo the problem was explained. This memo concluded with the following statements:

"Thus, it is likely that the aquifer has become contaminated by drainfield effluent."

"Thus protecting the groundwater from sewage contamination is probably not possible as long as septic tanks and drainfields are the sewage disposal means."

"Sewage of the area is probably necessary to terminate ground water contamination."⁽¹⁾

Clearly there is a water contamination problem related to septic tanks in the Benton County portion of the City's Urban Growth Boundary. The City recognized this in its comprehensive Plan.

Policy 2 on Page 17 of the comprehensive Plan states: "Whenever feasible, efforts should be made to extend sanitary sewer systems to areas where failing septic systems are causing ground water and aquifer pollution problems within the Urban Growth Boundary, provided commitments to annexation can be obtained."

This indicates that the city is encouraging the annexation and regulation of areas within the developed portions of the Urban Growth Boundary where septic failures are causing aquifer contamination. Although not specified it appears that the entire North Albany area would be the area targeted for annexation.

1. City of Albany Planning Department, Water Quality Supplement, The Albany Background Report, draft 6/12/80, City of Albany, Albany, Oregon, pages 6 - 115 and 6 - 116.

The property in question is probably not a serious pollution source for the aquifer in question. However, this property links to other properties which may be sources of ground water contamination. It would be in the best interests of the City of Albany to have as much unfettered control of land development in this area as possible. Annexation is the only vehicle which accomplishes this control.

Proposed Findings

This parcel is within an area of failing septic systems, it further serves to help form a link with other properties which have failing systems that may be contributing to the contamination of the aquifer. This property is needed for annexation to assure that future development of this parcel does not further pollute the aquifer and to expedite any future annexation in this area to meet the goals and policies of the Water Quality portion of the comprehensive Plan.

Need for Annexation Prior to Acknowledgement of the Albany Comprehensive Plan

The Albany Comprehensive Plan in all likelihood will not be acknowledged by the State Land Conservation and Development Commission for at least one year. The property in question, if annexed, would become one of a few parcels within the North Albany area which could be developed. There is within the comprehensive plan a projection that 9,617 additional housing units will be needed by the year 2000⁽¹⁾. At present there have been very few building permits issued to meet this demand because of economic conditions. From January to September of 1981 permits were issued for 36 residential units⁽²⁾. This would, in turn, tend to indicate that there is developing a pent up demand for housing which when economic conditions allow will place the demands on existing housing and again create the type of "sellers market" which was prevalent in the mid to late 1970's.

To meet this pent up demand additional developable land must be annexed. The land must meet the Goals and Guidelines established for Housing by the L.C.D.C, which as indicated in the proposed housing finding this property meets.

It will take a great deal of time to complete the engineering and plans required for this project. If annexation were granted now it would be at least one year before the Planning Commission would be reviewing the PUD design. As the owner does not wish to invest the money to proceed with additional engineering and design without some assurances that the property will be annexed any delay will only setback the ultimate development of the property. A delay in annexing the property until the acknowledgement of the comprehensive plan could result in a need for housing in this area and no available units. It is imperative that property be allowed to proceed toward development.

Proposed Findings

The property is needed for future residential development. Annexation at this time will help ensure an adequate supply of residential land in the Benton County portion of the City of Albany.

1. City of Albany Planning Dept., Housing, The Albany Comprehensive Plan, December 17, 1980, City of Albany, Albany, Oregon, page 49
2. Albany Building Department, telephone conversation, September 29, 1981.

Housing

The North Albany area is predominantly large lot single family residential. The Land Conservation and Development Commission's Statewide Land Use Goal and Guideline related to Housing (Goal 10) indicates that "...plans shall encourage the availability of adequate numbers of housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and design."

As stated earlier the North Albany Area is predominantly large lot single family. The proposed annexation area lends itself to cluster housing. This offers the variety of housing type and design referred to in the Statewide Land Use Goals and Guidelines related to housing.

Proposed Finding:

The proposed annexation would encourage the development of a parcel suited to providing housing in conformance with Goal 10; Housing.

Provision of Public Services

Annexation of this property should not have any major impact on existing public facilities. The property is now in the Rural Fire District and is already being served by the City of Albany by agreements with the Rural Fire District.

The major foreseeable cost to the city is in the form of providing police services. There is only one house now onsite. It is not envisioned that this lone dwelling would substantially burden existing police services. When the property develops additional police services may be required. But, as the area is adjacent to existing lands within the city, the costs in terms of time and energy to patrol this area should be minimal.

Any of the public works type costs would be borne by the developer of the property.

Proposed Findings

The annexation of this property would not adversely affect the City of Albany's ability to provide public facilities and service.