

ORDINANCE NO. 4464

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 1.6 ACRES OF PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 20, EAST OF COMMERCIAL WAY, WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT, AND ZONING SAID TERRITORY AS CH, HEAVY COMMERCIAL.

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. 4463 adopted on the 2nd day of December, 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 16th day of December, 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 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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 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: 11-3W-9A, TL 1408 and 1409 (see attached legal description) is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as CH, Heavy Commercial.

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: 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. 4463, 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 Linn 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: December 16, 1981


Approved by the Mayor: December 16, 1981

Effective Date of this Ordinance: January 16, 1982

Effective Date of this Annexation: January 8, 1982  
(date filed with Oregon Secretary of State)

  
\_\_\_\_\_  
Mayor

ATTEST:

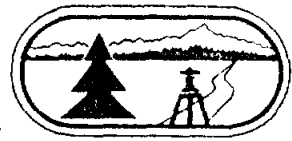
  
\_\_\_\_\_  
City Recorder



Fot

Exhibit B

**Timberland**



**McCullough**

ENGINEERS · SURVEYORS

FORESTERS · PLANNERS

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


Mr. Robert T. Scott  
Scott & Norman, PC  
Attorneys at Law  
P.O. Box 901  
Albany, Oregon 97321

LEGAL DESCRIPTION

1.67 Acre Tract (TL 1408 & 1409 11-3W-9A)

Beginning at a point on the northerly right-of-way of South Santiam Highway, said point also lying South 910.45 feet and South 89°59'00" West a distance of 1039.95 feet from the southwest corner of the Hugh Nickerson Donation Land Claim No. 39 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence South 89°59'00" West along the north line of said right-of-way a distance of 107.00 feet; thence North 103.00 feet; thence South 89°59'00" West 18.00 feet; thence North 492.44 feet to a 1/2" iron rod; thence North 89°59'00" East 125.00 feet to a 1/2" iron rod; thence South 595.44 feet to the true place of beginning.

BASED ON CS 10469

  
Kenneth M. Wightman PLS #942

November 9, 1981

FINDINGS ESTABLISHING COMPLIANCE WITH THE  
LCDC RULE ON ANNEXATION

INTRODUCTION

The applicant has previously submitted findings supporting the conclusion that all applicable LCDC Goals have been complied with. In order to come to the conclusion that the requirements of Goal #3 (Agricultural Lands) and Goal #14 (Urbanization) have been fulfilled, the City must find:

(1) That adequate public facilities can be reasonably made available to the subject property.

(2) That the lands are physically developed for urban uses or are within an area physically developed for urban users OR the lands are clearly and demonstrably needed for urban use prior to acknowledgement of the appropriate plan and circumstances exist which make it clear that the lands in question will be within an urban growth boundary when the boundary is adopted in accordance with the goals.

FACTS AND FINDINGS

FACTS:

The proposed property is one of two relatively small parcels which are surrounded by property already annexed to the City and zoned HC, Heavy Commercial. City sewer and water service is available to the property. The property is well within the Urban Growth Boundary and, as a practical matter, is under the City's police and fire protection.

PROPOSED FINDING:

Adequate public facilities are readily available to serve

the property.

FACTS:

The subject property is surrounded by lands developed for urban uses. There is no significant open space in the area. Surrounding uses include auto sales, warehouses and a variety of light industrial and commercial uses not suitable for a rural area. The subject property has been used as a wrecking yard.

PROPOSED FINDING:

The subject property is within an area which has been physically developed for urban use.

FINDINGS SUPPORTING HC, HEAVY COMMERCIAL  
OR C-2, GENERAL COMMERCIAL ZONING

FACTS:

The subject property is a peninsula of County Urbanizing Highway Commercial property within a sea of City Heavy Commercial property. Proper zoning for the area has been the subject of some discussion for several years. In 1978, these same applicants requested annexation of adjacent parcels seeking either Limited Industrial or General Commercial zoning. The Staff report dated October 2, 1978, stated in part,

"...the property owners are in somewhat of a dilemma in that the surrounding area and uses are industrial oriented, even though the zoning is commercial. This problem was also discussed at some length when the Planning Commission considered the zoning of the surrounding area in 1977. The decision at that time was to do with commercial on both the comprehensive plan and zoning in an effort to attract cleaner more attractive uses to this vicinity and to provide land for commercial services on the east side of the freeway, an area which is expected to experience considerable residential growth in the next ten years."

The City Council approved the annexation request and zoned the property C-2. Commercial development exists to the east and the west of the subject property and there is little or no General Commercial zoning east of Interstate 5.

FINDINGS:

1. Prior positions of both the City and the County have indicated that the property use of the property is for commercial purposes.
2. Commercial development already exists to the east and west of the subject property.

3. While sufficient commercial lands exist within the City, the proposed zoning would not create additional commercial land, but would merely transfer that commercial land from the County to the City.

4. The annexation of islands of County land surrounded by City property is desirable.



FINDINGS ESTABLISHING THAT THE PROPOSED ANNEXATION  
AND ZONING COMPLY WITH LCDC GOALS AND GUIDELINES

• The applicant has submitted findings establishing that the proposed annexation and proposed zoning comply with the recently-adopted City of Albany Comprehensive Plan. Since the Plan was adopted in compliance with LCDC Goals and Guidelines, and, since the annexation request complies with the Plan, it follows that the annexation request and proposed zoning comply with the LCDC Goals and Guidelines.

FINDINGS SHOWING COMPLIANCE WITH  
LCDC GOALS AND GUIDELINES

1. CITIZEN INVOLVEMENT:

The Citizen Involvement goals and guidelines have been met by the procedures followed in the adoption of the Albany Comprehensive Plan. Citizen Involvement is also assured by the notice and public hearings requirements set out in the City's annexation procedures.

2. LAND USE PLANNING:

The Comprehensive Plan which has recently been adopted designates the subject property as General Commercial. The request for C-2 Zoning complies with the Comprehensive Plan designation.

3. AGRICULTURAL LANDS - Not Applicable.
4. FOREST LANDS - Not Applicable.
5. OPEN SPACES, ETCETERA - Not Applicable.
6. AIR, WATER AND LAND RESOURCES QUALITY - Not Applicable.
7. AREAS SUBJECT TO NATURAL HAZARDS - Not Applicable.
8. RECREATIONAL NEEDS - Not Applicable.
9. ECONOMY OF THE STATE - Not Applicable.
10. HOUSING - Not Applicable.
11. PUBLIC FACILITIES AND SERVICES:

Public facilities have been extended to the property. The annexation will have little effect on police and fire service, education, or other public services.

12. TRANSPORTATION:

The subject property is located in the center of an area which can be classified as low grade commercial strip development. It is not anticipated that the volume of traffic to and from the subject property will affect the overall transportation system in the area.

13. ENERGY CONSERVATION - Not Applicable.

14. URBANIZATION:

The subject property is within the urban growth boundary and is an island surrounded by already annexed property. Annexation of the subject property is a logical step in the urbanization process.

15. WILLAMETTE RIVER GREENWAY - Not Applicable.

16. ESTUARINE RESOURCES - Not Applicable.

17. COASTAL SHORELANDS - Not Applicable.

18. BEACHES AND DUNES - Not Applicable.

19. OCEAN RESOURCES - Not Applicable.

I. FINDINGS ESTABLISHING THAT THE PROPOSED ANNEXATION AND C-2 ZONING ARE CONSISTENT WITH THE CITY'S COMPREHENSIVE PLAN

A. ENVIRONMENTAL SETTING

1. Natural Resources - The property is located adjacent to a major highway and is surrounded by commercial and light commercial uses. The subject property has itself been used for commercial and light industrial type uses for years. The goals, policies and implementation methods relating to Vegetation and Wildlife Habitat, Agriculture and Forestry, Sand and Gravel, Open Space Resources, Water Quality, Air Quality and Sound Quality are not applicable to the present request.

2. Hazards - The property is not subject to flooding, high water, or ponding. It is also relatively flat and has no problems related to slope.

B. COMMUNITY NEEDS

1. Economic Development - The plan recognizes that additional industrial and commercial land will be required in the City. Lands in suitable locations should be designated for future commercial and industrial development. The subject property is surrounded by commercial and industrial uses and is a suitable location for continued commercial use.

2. Transportation - The subject property is 595 feet deep with only 100 feet of frontage on Highway 20. It is anticipated the property will continue to be used in a low volume of traffic light industrial and heavy commercial manner. Effect on the

transportation system should be minimal. The only access to the property is from Highway 20.

3. Public Services and Facilities - All public services, that is, sanitary and storm sewers, water and power have been extended to and past the subject property. Annexation of the subject property will put no extraordinary burdens on those public facilities.

#### C. GROWTH MANAGEMENT PROCESS

1. Directing Growth - The subject property is located within the Urban Growth Boundary and in fact is an island of property which should have been annexed long ago. The annexation is a logical and efficient extension of City Limit boundaries. The annexation will result in the preferred infilling of an area surrounded by commercial development.

#### D. PUBLIC NEED

The City's Comprehensive Plan indicates there is a need for an additional 320 acres of commercial land within the City. The Plan also recognizes that the infilling of land surrounded by existing commercial development is desirable. The subject property would fulfill a need for acreage required by heavy commercial type uses not appropriate for downtown or neighborhood areas.

C.S. 7236

# DAN STECKLEY

SEC. 9, T. 11 S., R. 3 W., W.M., LINN CO., ORE.

Scale: 1" = 100'

October 9, 1962

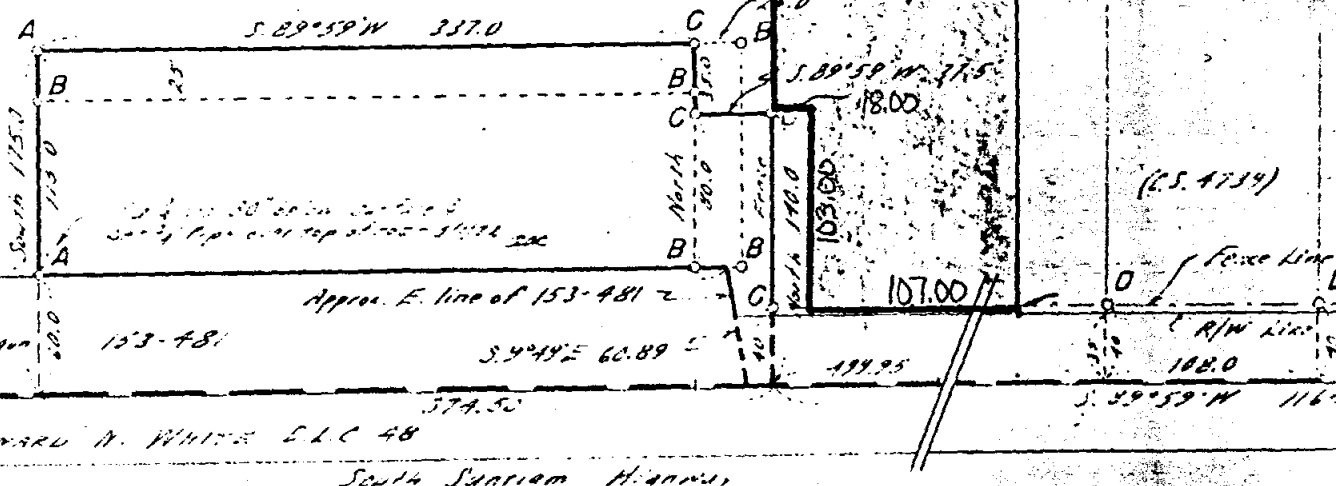
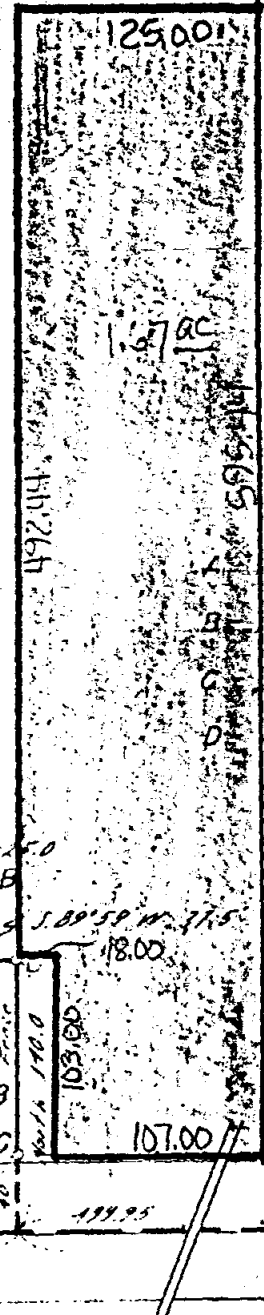
JORRIS A. CARNEGIE

COUNTY SURVEYOR

By: G. W. Strand

*This survey replaces C.S. 7051*

*Jorris A. Carnegie*



Deeded to State of Oregon

EDWARD H. WHITE LLC 48

South Santiam Highway

Printed in