

A RESOLUTION PROPOSING THE ANNEXATION OF PROPERTY LOCATED NORTH OF SANTIAM HIGHWAY (AN-01-02), AND FORWARDING THE QUESTION OF ANNEXATION TO THE VOTERS ON THE NOVEMBER 5, 2002 BALLOT.

THE CITY COUNCIL OF THE CITY OF ALBANY resolves that the findings and conclusions contained in Resolution Exhibit B (which consists of the complete staff report to the Albany City Council, including attachments, and dated July 17, 2002; File AN-01-02), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that this annexation, which would annex approximately 2.6 acres of property generally located on the north side of Santiam Highway west of Goldfish Farm Road, all within Linn County, Oregon, is to be submitted to the legal voters of Albany, Oregon, for their approval or rejection pursuant to Albany City Charter Chapter 54 at an election to be held on November 5, 2002. This election will be conducted by mail-in ballots.

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

CAPTION: MEASURE PROPOSING ANNEXATION OF PROPERTY ON SANTIAM HIGHWAY

QUESTION: Shall three parcels totaling approximately 2.6 acres on the north side of Santiam Highway be annexed?

SUMMARY: Approval of this measure would annex approximately 2.6 acres to the City of Albany. The property to be annexed is generally located on the north side of Santiam Highway west of Goldfish Farm Road. Upon annexation, the zoning would be CC (Community Commercial).

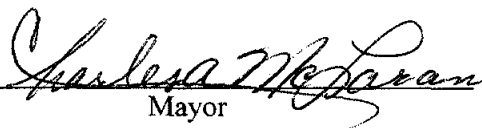
The text of the measure is as follows:

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

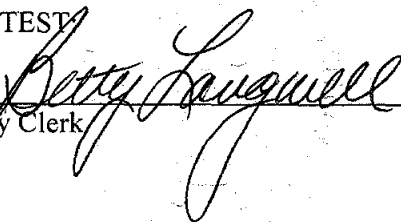
*The property generally located on the north side of Santiam Highway west of Goldfish Farm Road, shown on Linn County Assessor's Map Nos. 11S-03W-09A; Tax Lot(s) 1200, 1300, 1401, as further described in the attached legal description labeled Resolution Exhibit A. The subject properties containing 2.6 acres, more or less.*

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

IN EFFECT AND DATED THIS 24TH DAY OF JULY, 2002.

  
\_\_\_\_\_  
Mayor

ATTEST

  
\_\_\_\_\_  
City Clerk

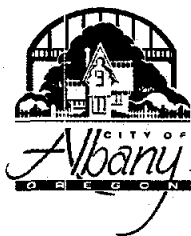
**RESOLUTION EXHIBIT A  
LEGAL DESCRIPTIONS  
FILE AN-01-02**

**Area I**

Beginning South 945.45 feet and South 89°59' West 524 feet from the Southwest corner of the Hugh Nickerson Donation Land Claim No. 39, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, said place of beginning being on the North line of the Edward N. White Donation Land Claim No. 48 in said Township and Range; thence North 400 feet; thence North 89°59' East parallel with the North line of said Donation Land Claim No. 48 a distance of 108 feet (108.03 feet per C. S. 20611); thence South 400 feet to the North line of Donation Land Claim No. 48; thence South 89°59' West 108 feet to the place of beginning.  
EXCEPT that portion situated in the Santiam Highway right-of-way.

**Area II**

Beginning at a point on the North line of Santiam Highway (State Highway 20), such point being 30.0 feet North and 2190.0 feet West of the Northeast corner of the Edward N. White Donation Land Claim No. 48, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South to the South line of said Santiam Highway; thence West along said South line of Santiam Highway to the Northeast corner of that parcel of land conveyed to Cummings Transfer Co. by deed recorded in MF 537-190, Linn County Deed Records; thence North to the North line of Santiam Highway; thence East along said North line of Santiam Highway to the Southeast corner of that parcel conveyed to John A. and Marlis C. Carson by deed recorded in MF 635-146, Linn County Deed Records; thence North along the East line of said Carson parcel to the Southwest corner of that parcel conveyed to William C. and Linda A. Smithson by deed recorded in MF 1040-609, Linn County Deed Records; thence East along the South line of said Smithson parcel 198.0 feet to a ½-inch iron rod; thence South along the projection of the East line of said Smithson parcel to the North line of Santiam Highway; thence West along said North line of Santiam Highway to the point of beginning.



# Community Development Department

333 Broadalbin Street SW, P.O. Box 490, Albany, OR 97321

Phone: (541) 917-7550 Facsimile: (541) 917-7598

## **STAFF REPORT Annexation**

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<b><u>HEARING BODY</u></b>	ALBANY CITY COUNCIL
<b><u>HEARING DATE</u></b>	Wednesday, July 24, 2002
<b><u>HEARING TIME</u></b>	7:15 p.m.
<b><u>HEARING LOCATION</u></b>	Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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### **GENERAL INFORMATION**

DATE OF REPORT:	July 17, 2002
FILE:	AN-01-02
TYPE OF REQUEST:	Annexation of 3 parcels totaling 2.6 acres
REVIEW BODY:	City Council
PROPERTY OWNERS/ APPLICANTS:	Nancy Kavanaugh and Demetrous Katopodis; dba DNK Investments; PO Box 273, Albany, OR 97321
APPLICANT'S REP:	George Heilig, PO Box 546, Corvallis, OR 97339
ADDRESS/LOCATION:	4269, 4345, 4347 Santiam Hwy SE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-09A; Tax Lot(s) 1200, 1300, 1401
TOTAL LAND AREA:	2.6 acres
EXISTING LAND USE:	Auto sales
EXISTING COMP PLAN DESIGNATION:	General Commercial
PROPOSED ZONING:	CC (Community Commercial)
NEIGHBORHOOD:	East Albany
SURROUNDING ZONING:	CH (Heavy Commercial) on East, North, and West; CC (Community Commercial) on South (across Santiam Hwy)
SURROUNDING USES:	West – fuelling station; North – ODOT maintenance facility; East – trailer sales; South – Coastal Farm, fuelling station, undeveloped parcel (Ropp)

**FINDINGS AND CONCLUSIONS**  
**FILE AN-01-02**

**INTRODUCTION**

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

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

**REVIEW CRITERIA**

**ELIGIBILITY CRITERIA:**

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

Finding of Fact:

1. When considered in total, the area is contiguous to the current city limits on all sides. Due to the recent annexation of a parcel (Ropp property) on the south side of Santiam Highway, these parcels form an island of unincorporated territory (See attached map labeled Attachment A).

Conclusion: This criterion is met because the subject properties when combined are adjacent to the existing city limits.

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

Finding of Fact:

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

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

**TIMELINESS CRITERIA:**

***A. An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.***

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

Findings of Fact:

Water

3. Water utility maps indicate that public water facilities near the site consist of a 12-inch main on the north side of Santiam Highway, and a 12-inch main along the west boundary of Tax Lot 1401. The two parcels that have structures (Tax Lots 1200 and 1300) are currently being billed for City water service. These parcels must have been connected when PP&L owned the water system.
4. In 2001, a 12-inch water main was constructed on the north side of Santiam Highway, from the southwest corner of the subject site to Goldfish Farm Road; and a 24-inch main was constructed in Goldfish Farm Road to complete a loop between Santiam Highway and Knox Butte Road. The completion of this loop in the water system has provided enhanced flows to this area, as well as a second feed to this portion of the City. The City's water system computer modeling program indicates that a fire flow of approximately 4,000 gallons per minute is available to this area.
5. Future development on any of these parcels may require that additional on-site public water system improvements (such as fire hydrants) be made by the developer.

Conclusion: This criterion is met because the existing public water system in this vicinity, and adjacent to the subject properties, meets the recommendations of the City's Water System Facility Plan.

#### Sanitary Sewer

6. Sanitary sewer utility maps indicate that public sanitary sewer facilities in this area include a 12-inch main on the north side of Santiam Highway that runs from the west, to the southwest corner of Tax Lot 1401, then northerly along the west boundary of Tax Lot 1401. An 8-inch main is being constructed on the south side of Santiam Highway as a condition of the Coastal Farm development. None of the subject parcels are connected to the public sanitary sewer system.
7. The Wastewater Facility Plan indicates that the 12-inch main on the north side of Santiam Highway is to be extended easterly to the urban growth boundary as development occurs. Therefore, in order to be connected to the public sanitary sewer system, the subject properties will be required to extend the 12-inch main along their respective frontages.
8. The subject parcels lie within Basin 11, as shown in the Wastewater Facility Plan. The Wastewater Facility Plan indicates that the downstream piping in Basin 11 does not have the capacity to accommodate ultimate development within this basin. While there is currently capacity in the system to accommodate commercial development with typical wastewater discharge, the existing sanitary sewer system within this basin may not be capable of serving a heavy wastewater-producing development without the downstream deficiencies being improved.
9. The Albany Municipal Code (10.01.100(1)) states that "all property with buildings or structures normally used or inhabited by people and such property is located within 300 feet of a sanitary sewer shall be required to have or make a connection to such sewer." Each of the three properties proposed for annexation is within 300 feet of the existing 12-inch main on the north side of Santiam Highway.

Conclusion: This criterion is met because the Albany Municipal Code gives the City the authority to require any of the subject properties to connect to the public sanitary sewer system at any time after annexation. Also, the Development Code gives the City the authority to require any of the subject properties that develop (or intensify development) to extend and connect to the public sanitary sewer system as a condition of development.

#### Storm Drainage

10. The subject property lies within the Cox Creek drainage basin. This basin generally drains to the north and west and eventually discharges into the Willamette River north of Waverly Lake. The existing drainage in this area is generally conveyed in shallow, open ditches with culverts at road and driveway crossings. Observations made during the month of January 1995 indicated that the drainage systems in this area were

functioning satisfactorily, even after a 3-inch rainfall event following an extended period of wet weather. The only current needs appear to be routine ditch grading, cleaning and maintenance.

11. The East I-5 Infrastructure Study recommends utilization of existing open channels, with piping installed as streets are constructed to handle road runoff and flows from adjacent properties that cannot be conveyed overland to a nearby drainage ditch. The Study also recommends that runoff from individual private properties be limited to peak flows that do not exceed the flow rate from the existing land use, by using onsite detention facilities that are installed by the property owner at the time the parcel develops.
12. Any future development, redevelopment, or intensification of the existing development on any of the subject properties would necessitate that the developer submit to the City (and ODOT) a storm drainage plan for the property. This storm drainage plan must be approved by the City and ODOT as a condition of the proposed development.

Conclusion: This criterion is met because the existing public storm drainage system serving this site is adequate. Future development on these parcels will require a detailed study of the impacts of the proposed development, and the improvements required (if any) to mitigate those impacts.

### Transportation

13. The Albany Transportation System Plan (TSP) indicates that Santiam Highway (US 20) between Pacific Boulevard and Goldfish Farm Road is expected to be deficient for growth within the next 20 years. Traffic volumes will be high along this segment, and business access and side streets will disrupt the traffic flow and increase the potential for accidents. Individual driveway accesses and some public streets are likely to be a significant problem.
14. Santiam Highway is under the jurisdiction of the Oregon Department of Transportation (ODOT). ODOT reviews all new development, intensification of development, and changes of use on properties that access state highways. Because of the classification of Santiam Highway and its traffic volumes, it is likely that ODOT would place access restrictions on these parcels at the time they are redeveloped. In addition, it is possible that frontage improvements may be required along Santiam Highway at the time of development on any of the subject properties.
15. The area proposed for annexation lies partially within the Albany Airport Approach Zone. Certain restrictions exist for development within this zone. The restrictions pertain to issues such as building height, lighting, navigational interference, and noise sensitivity.

Conclusion: This criterion is met because Santiam Highway currently has capacity for the existing uses on the subject properties. Changes in use or increased development on these parcels would allow ODOT to review the access situation and make modifications to the access permits for the site.

### Police & Fire Protection

16. The completion of a major water system link on Goldfish Farm Road between Santiam Highway and Knox Butte Road has improved fire flows to the Santiam Highway area. The planned extension of a 24-inch public water main under the freeway at 21st Avenue will further improve water service and fire flows to this area.
17. This area is currently within the service area of the Albany Rural Fire Protection District and thus is served by the Albany Fire Department. Fire Station #13 is located approximately one-half mile southwest of the site near the corner of 18th Avenue and Three Lakes Road, so City fire protection services are readily available to serve this property.
18. Because the subject property is contiguous to the city limits, and because adjacent properties on all sides of this site are served, police service to this property would be a logical extension of the current patrol boundaries.

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

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

Findings of Fact:

19. This annexation request is for approximately 2.6 acres. The current Comprehensive Plan Map designation is General Commercial. The Comprehensive Plan states that, absent a zone change request, property with a Comp Plan Designation of General Commercial may be zoned Community Commercial. City staff and the property owner agree that Community Commercial is the most appropriate zoning for this property. The proposed Comprehensive Plan and Zoning Maps reflect these designations.
20. The East I-5 Plan covers about 2,800 acres located on the east side of Interstate 5. This area is generally bounded by Truax Creek on the north, Periwinkle Creek to the south, and Scrael Hill Road on the east, and includes Knox Butte. This represents about 20% of Albany's Urban Growth Area. Work began in 1995 with the East I-5 Vision for commercial and industrial development south of the Santiam Highway corridor. Service deficiencies were identified in the East I-5 Infrastructure Study. In 2001, the Periodic Review project Balanced Development Patterns focused on the East I-5 area in terms of desired long-range development for this region. In particular, the commercial/light industrial area along Santiam Highway has been expanded to include areas for general employment. These areas are intended to address the need for service sector jobs over the planning period. Keeping these jobs in the East I-5 area moves the area toward a jobs-housing balance.
21. Several infrastructure plans cover this area. They include the Wastewater Facility Plan (1998), Storm Drainage Master Plan (1988), and Transportation System Plan (1997). The City's existing Water System Facility Plan was completed in 1988. The City is currently in the process of having an updated Water Facility Plan developed. The new Water Facility Plan is unlikely to include major revisions for this area.

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

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

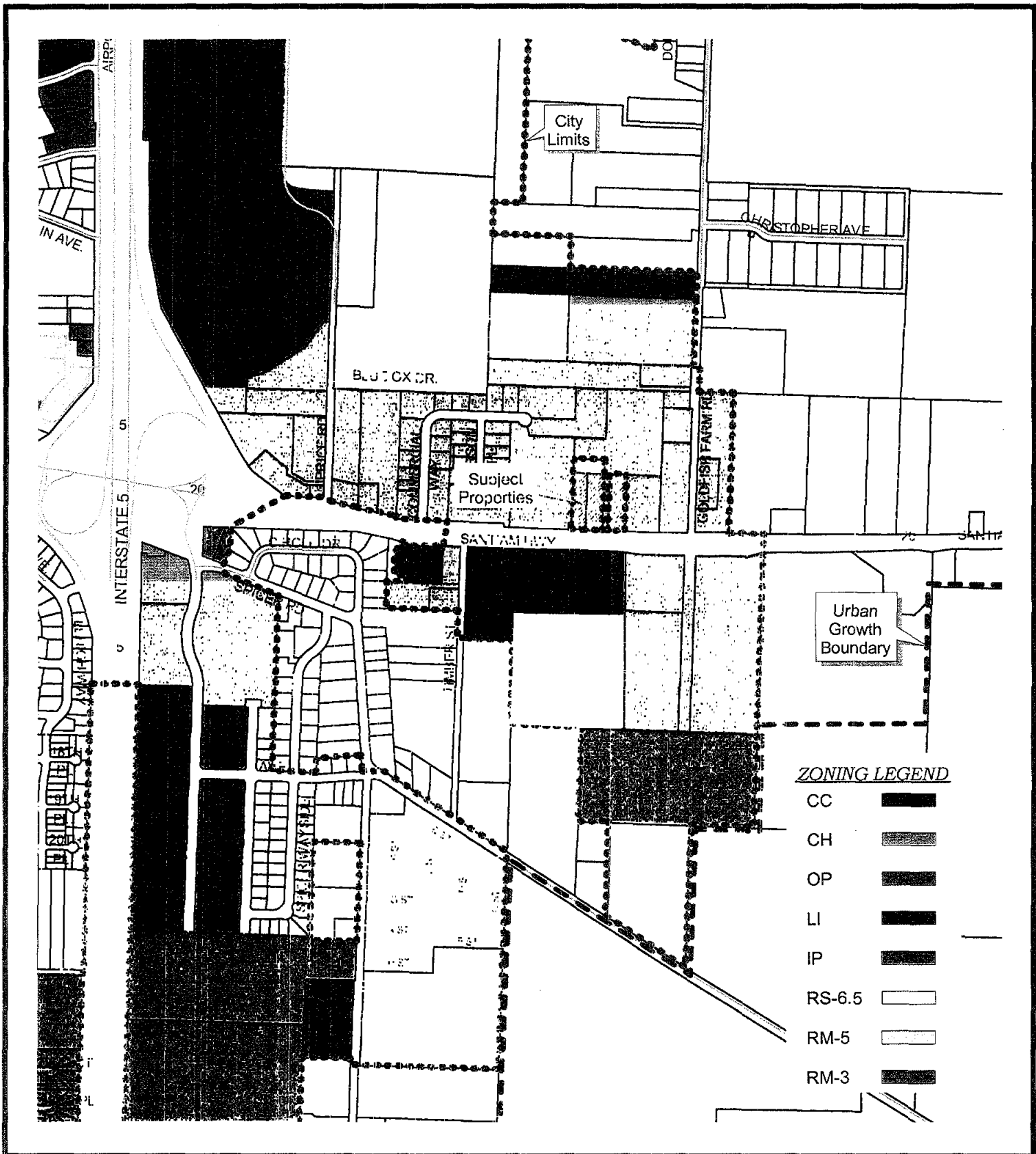
Findings of Fact:

22. Annexation of the subject properties will create an island of unincorporated territory (see attached map labeled Attachment A). The island (Tax Lot 1411) would consist of one parcel north of the subject properties. This parcel is approximately one-half acre in size.
23. The applicant and City staff both contacted the owner of Tax Lot 1411, and the owner said that he was not interested in annexing at this time.

Conclusion: This criterion is met because cities have the authority to initiate the annexation of islands per ORS 222.111.

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





# AN-01-02 Vicinity Map

## Staff Report Attachment A



500 0 500 Feet



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Jul 8, 2002

The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.