

RESOLUTION NO. 4733

A RESOLUTION PROPOSING THE ANNEXATION OF PROPERTIES LOCATED ON THE SOUTH SIDE OF KNOX BUTTE ROAD (AN-02-02), 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-02-02), 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 4.9 acres of property located on the south side of Knox Butte 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 KNOX BUTTE ROAD

QUESTION: Shall six parcels totaling approximately 4.9 acres on the south side of Knox Butte Road be annexed?

SUMMARY: Approval of this measure would annex approximately 4.9 acres to the City of Albany. The property to be annexed is located on the south side of Knox Butte Road. Upon annexation, the zoning would be RS-6.5 (Single Family Residential).

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 south side of Knox Butte Road near Marilyn Street, shown on Linn County Assessor's Map Nos. 11S-03W-03A; Tax Lot(s) 8000, 8300, 8400, 8500, 10603, 10604, as further described in the attached legal description labeled Resolution Exhibit A. The subject properties containing 4.9 acres, more or less.

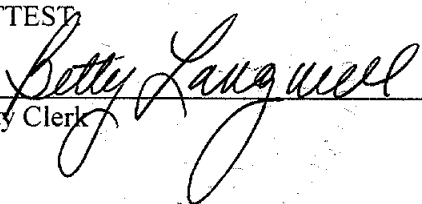
The City Clerk is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. 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-02-02**

Area I:

(Tract I) Beginning at a point on the South line of Linn County Market Road No. 7, said point being East 763.42 feet and South 68.11 feet from the Northwest corner of the South half of the Matthew C. Chambers Donation Land Claim No. 40 in Township 11 South, Range 3 West of the Willamette Meridian, thence South 87° 02' West along the South line of said Market Road 100 feet; thence South 436 feet thence North 87° 02' East 100 feet; thence North 436 feet to the place of beginning.

(Tract II) Beginning at a ½-inch rod on the South right-of-way line of Linn County Market Road No. 7, being East 643.58 feet and South 74.30 feet from the Northwest corner of the South half of the Matthew C. Chambers Donation Land Claim No. 40 in Township 11 South, Range 3 West of the Willamette Meridian, thence South 436.0 feet to a ½-inch iron rod on the North line of San Felicia Acres; thence North 87° 02' East along the North line of said San Felicia Acres, a distance of 20.0 feet; thence North 436.0 feet to the south right-of-way line of the aforementioned Market Road No. 7; thence South 87° 02' West 20.0 feet to the place of beginning.

Area II:

The following described real property situated in the County of Linn and State of Oregon, to wit:
Beginning at a ¾-inch iron bolt on the South line of Linn County Market Road No. 7, 1242.78 feet East 43.25 feet South and South 87° 02' West 300 feet from the Northwest corner of the South one-half of Matthew C. Chambers donation Land Claim No. 40, Township 11 South, Range 3 West of the Willamette Meridian;
thence South 436.0 feet to a ¾-inch iron pipe on the north line of San Felicia Acres;
thence North 87° 02' East along said North line of San Felicia Acres to the East line of Meredith Street;
thence North along said East line of Meredith Street to the Southwest corner of that parcel conveyed to James D. Haring by deed recorded in MF 186-379, Linn County Deed Records said point being 18.83 chains East and South 0° 14' East 399.98 feet from the Northwest corner of the South half of the Matthew C. Chambers Donation Land Claim No. 40, Township 11 South, Range 3 West, Willamette Base and Meridian, Linn County, Oregon;
thence East 108.91 feet along the South line of said Haring parcel to said parcel's Southeast corner;
thence North 0° 12' West along the East line of said Haring parcel and along the projection of said East line to the North line of Linn County Market Road No. 7;
thence South 87° 02' West along said North line of Linn County Market Road No. 7 to the East line of Marilyn Street;
thence South along the projection of said East line of Marilyn Street to the South line of Linn County Market Road No. 7;
thence South 87° 02' West along said South line 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

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

GENERAL INFORMATION

DATE OF REPORT:	July 17, 2002
FILE:	AN-02-02
TYPE OF REQUEST:	Annexation of 6 parcels totaling 4.9 acres
REVIEW BODY:	City Council
PROPERTY OWNERS:	Blaine and Margaret Faulkner; Wesley and Lila Lokey; Darold and Patricia Edwards; Michael O'Brien; James Haring
APPLICANTS:	Same as property owners
ADDRESS/LOCATION:	4630, 4710, 4720, 4730, 4734 Knox Butte Road NE
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-03A; Tax Lot(s) 8000, 8300, 8400, 8500, 10603, 10604
TOTAL LAND AREA:	4.9 acres
EXISTING LAND USE:	Single-family residences; two undeveloped parcels
EXISTING COMP PLAN DESIGNATION:	URR (Urban Residential Reserve)
PROPOSED ZONING:	RS-6.5 (Single-Family Residential)
NEIGHBORHOOD:	East Albany
SURROUNDING ZONING:	RS-6.5 (City of Albany) on the north; URR (Linn County) on west, south, and east
SURROUNDING USES:	Single-family residential on all sides

FINDINGS AND CONCLUSIONS
FILE AN-02-02

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 in the northwest (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 do not exist near the site. The nearest public water mains are located at the intersection of Goldfish Farm Road and Knox Butte Road, approximately 3,700 feet west of the westernmost parcel proposed for annexation. The existing homes on these parcels are served by private wells.
4. The Water Facility Plan indicates the need for a future large-diameter water main in Knox Butte Road to the intersection of Knox Butte Road and Scrael Hill Road, where a future reservoir is planned.
5. The applicants are not proposing to extend public water to the site at this time.
6. The Albany Development Code requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main (ADC 12.410). The construction of one single-family house (on an existing lot of record, or a lot created by a land partition) may be served by a private well if approved by the City and provided the new lot(s) are subject to a Petition for Improvements/Waiver of Remonstrance for a future assessment district for public water (ADC 12.420). The two undeveloped parcels could potentially develop as single-family homes in the future, and would be allowed by the Development Code to develop using a private well, if no public water exists within 150 feet of the property at the time of development.

Conclusion: This criterion is met because public water is not currently available to the subject properties, but the properties that are developed are served by individual wells. The applicants are not proposing to connect to public water at this time.

Sanitary Sewer

7. Sanitary sewer utility maps indicate that public sanitary sewer facilities in the area of the site consists of an 8-inch main on the west side of Marilyn Street to the north boundary of Knox Butte Road, and an 8-inch main on the north side of Knox Butte Road that extends to a point approximately 300 feet east of Charlotte Street.
8. The Wastewater Facility Plan shows a future 8-inch main running along Knox Butte Road to the east to serve the future development within the Urban Growth Boundary.
9. The applicants are proposing to construct a public sanitary sewer main extension (approximately 410 feet) along Knox Butte Road to the farthest east boundary of the subject properties. Each of the annexed parcels that is currently developed would be connected to the public sanitary sewer system at the time the main is constructed. The two parcels that are undeveloped could potentially develop as single-family homes in the future, and would be required to connect to the public sanitary sewer system at the time of development. A sewer service lateral would be constructed to Tax Lot 8500 when the main is built so that it would be available when the property develops. Because it has no frontage on Knox Butte Road, before Tax Lot 10604 can develop, a separate public main extension would be required from Knox Butte Road southward along the parcel's west frontage on Meredith Street.

Conclusion: This criterion is met because the applicants wish to connect to the public sanitary sewer system. A public sanitary sewer main must be extended to the farthest east boundary of the subject properties. The applicants will be responsible for all costs associated with construction of the required sewer extension, as well as all fees associated with connection (i.e., System Development Charges, plumbing permits, etc.).

Storm Drainage

10. The subject property lies within the Truax Creek drainage basin. This basin gradually drains to the north and west, and is generally conveyed in open ditches/creeks with culverts at road and driveway crossings. Storm water from the subject properties is collected by the ditch on the south side of Knox Butte Road, and is carried to a channel along the west side of the Draperville area where it discharges into Truax Creek. The Storm Drainage Master Plan does not indicate that there are deficiencies in the capacity of either of these channels.

11. Storm drainage system improvements are typically tied to street improvement work. Knox Butte Road is a Linn County road. Any subsequent improvements to Knox Butte Road would need to incorporate storm drainage facilities in the design.

Conclusion: This criterion is met because the existing storm drainage system serving these parcels is adequate.

Transportation

12. The Albany Transportation System Plan (TSP) designates Knox Butte Road as a minor arterial. Knox Butte Road is built to county street standards and lacks urban amenities, such as curb and gutter and sidewalks. Knox Butte Road is currently under Linn County jurisdiction.
13. The City of Albany and Linn County have an existing Intergovernmental Agreement (IGA) which addresses the transfer of roads from County jurisdiction to City jurisdiction. This IGA requires that if Linn County funds the improvement of any of the qualifying roads to urban standards, the City will collect an "in-lieu-of assessment" from fronting parcels that develop, and repay Linn County for the road improvement costs. Goldfish Farm Road, Clover Ridge Road, and Knox Butte Road are all listed in the IGA as qualifying roads for repayment.
14. A 20-footwide right-of-way exists along the east boundary of Tax Lot 8500, from Knox Butte Road to San Felicia Avenue. This right-of-way (Meredith Street) was dedicated as part of the San Felicia Acres subdivision plat. The Meredith Street right-of-way does not currently include any improvements, is not wide enough for a standard public street, and lies only 250 feet east of Marilyn Street. Just to the east of Tax Lots 10603 and 10604 is a 25-acre parcel (Tax Lot 10601) that has frontage on Knox Butte Road and will likely develop sometime in the future. Development of this larger parcel would likely result in a public street being extended to Knox Butte Road approximately 300 feet east of Meredith Street. Based on the proximity to Marilyn Street, it is preferable to have an intersection further east of Meredith Street. Therefore, it is probable that, should a new street connection to Knox Butte Road be made from Tax Lot 10601, the City would seek to vacate at least a portion of Meredith Street.
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. None of these restrictions is likely to impact single-family residential development in this area.

Conclusion: This criterion is met because the transportation system is adequate for the existing uses on the property. Linn County currently has jurisdiction over this portion of Knox Butte Road and would have authority regarding access issues for future development on these parcels.

Police & Fire Protection

16. There are no public water system improvements in the vicinity of the subject properties. The Draperville area (Charlotte Street, Santa Maria Avenue, and Marilyn Street) is currently within the boundaries of the Albany Fire Department service area. The properties proposed for annexation are contiguous to the Draperville area.
17. Because the subject property is contiguous to the city limits, and because nearby properties north of this site are served, police service to this property would be a logical extension of the current patrol boundaries.

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

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

Findings of Fact:

18. This annexation request is for approximately 4.9 acres. The Comprehensive Plan Map designation is URR (Urban Residential Reserve). The Comprehensive Plan states that, absent a zone change request, property with a Comp Plan Designation of URR will come into the City with a zoning of RS-6.5 (Low Density Residential). City staff and the property owner agree that this is the most appropriate zoning for this property, and no zone change is being requested. The proposed Comprehensive Plan Map does not recommend a change to the URR designation for these parcels.
19. Public infrastructure facility plans that deal with this area include: Wastewater Facility Plan completed in 1998; Storm Drainage Master Plan completed in 1988; Transportation System Plan completed in 1997. The City's existing Water System Facility Plan was completed in 1988, but a new version is currently being developed.

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

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

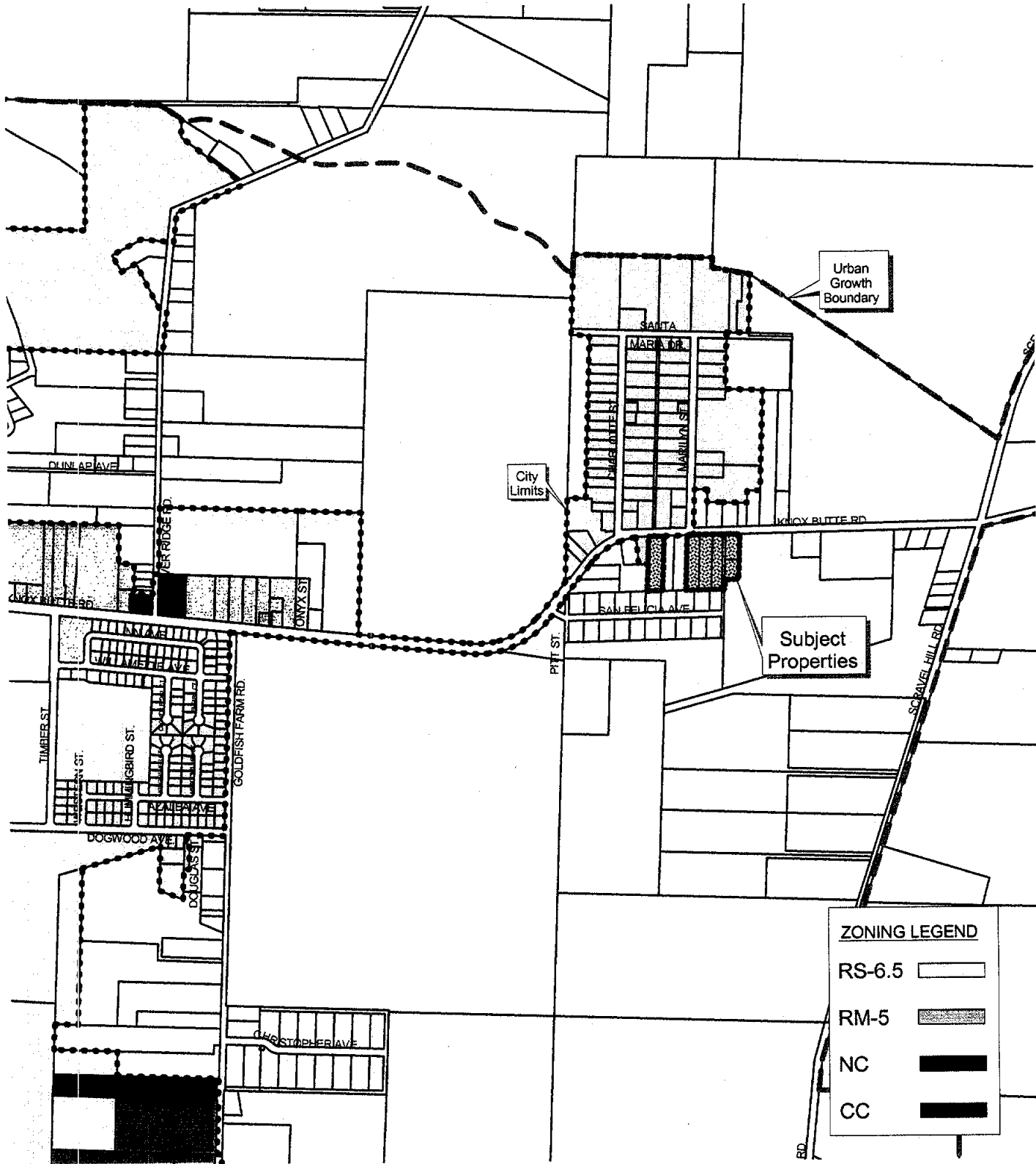
Finding of Fact:

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

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

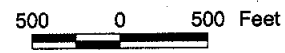
- D. *The City Council may consider, at its discretion, any other factor which affects the timeliness or wisdom of any particular annexation petition.***

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AN-02-02 Vicinity Map

Staff Report Attachment A



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July 16, 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.

