

ORDINANCE NO. 4486

TITLE: AN ORDINANCE PROVIDING FOR THE ANNEXATION AND ZONING TO THE CITY OF ALBANY OF TERRITORY SURROUNDED BY ITS CORPORATE LIMITS AND WITHDRAWING SAID TERRITORY FROM THE APPROPRIATE RURAL FIRE PROTECTION DISTRICT.

Whereas, the territory described in Section 1 below is surrounded by the corporate limits or boundaries of the City of Albany and is not an incorporated city; and

Whereas, it is in the best interest of the City and the territory described in Section 1 below that said territory be annexed to the City without an election in the city.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: ANNEXED TERRITORY

The territory described as 11-3W-30, Tax Lots 301, 302, 303, 304, 305, 306, 307, 308, and 309 which is surrounded by the city boundaries, is hereby annexed to the City of Albany, Oregon, and zoned as described in Exhibit C.

Section 2: WITHDRAWAL

The City Council of the City of Albany hereby determines that the territory described in Section 1 above shall be withdrawn from the appropriate Rural Fire Protection District upon the effective date of this ordinance.

Section 3: RECORD

The City Recorder shall submit a transcript of the annexation proceedings and a copy of this ordinance to the Oregon Secretary of State, the State Department of Revenue, the Linn County Assessor, and the Linn County Clerk.

Section 4: EFFECTIVE DATE

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:	<u>February 24, 1982</u>
Approved by the Mayor:	<u>February 24, 1982</u>
Effective Date of Ordinance:	<u>March 26, 1982</u>
Effective Date of Annexation:	<u>May 19, 1982</u>

*Donald W. Brudwig*  
Mayor

ATTEST:

*[Signature]*  
City Recorder

2. Water: Pacific Power and Light Company states that there is a 16" water main which runs down Pacific Blvd. and is adequate to serve the area.
3. Police: The Albany Police Department reports that from the information provided the Department will be able to provide service to the proposed area. They expect their calls for service to be increased in the areas of traffic, theft and personal disputes. As the area is presently served by the Linn County Sheriff's Department and the surrounding area by the Albany Police Department, the service provided to the area should not cause any appreciable cost at this time. In the future additional manpower may be required.
4. Fire: The Albany Fire Department reports that the enclave is within proper running distance of Station #2 for first due Engine Company response.

### FINDINGS

#### Conformance with the Adopted Comprehensive Plan - Adopted December 17, 1980

The proposed Annexation is in conformance with the Albany Comprehensive Plan Map and Plan Policies.

The area proposed for annexation is within the area covered by the Comprehensive Plan for the City of Albany and is included with the recognized Urban Growth Boundary adopted by the City and Linn County.

The proposed Light Industrial zone designation of the subject properties will be in conformance with the designation indicated on the Comprehensive Plan Map.

#### 1. Urban Growth Policies

Annexation of this area will conform to the Urban Growth Policies:

- (a) The area is within the locally adopted Urban Growth Boundary.
- (b) The annexation will be an incremental step in extending the City Limits to the UGB.
- (c) The annexation will result in the development of land with existing urban services before the conversion of unserved lands.

#### 2. Growth Management Policies

Annexation of this territory would conform to the Growth Management Policies as the annexation will encourage urbanization of an area where facilities and services are already available, thereby requiring the least public costs to provide needed services and facilities.

3. Development Policies

When the subject properties are annexed, they will be rezoned to the appropriate industrial zone in order to be in compliance with the Comprehensive Plan designations.

The area of annexation will be provided with appropriate water and sewer facilities that will be adequate to support the development of the area.

4. City Annexation Policy

The annexation of this enclave area will result in a more logical City boundary and service area.

Annexation of the entire enclave will eliminate the need for piecemeal annexations which result in more staff, Planning Commission, and Council time and effort and uncoordinated planning efforts for extension of streets and utilities.

State Land Use Goals:

In order to approve an annexation prior to acknowledgement of the Comprehensive Plan by the State Land Conservation and Development Commission (LCDC), it must be found to be in conformance with all of the applicable LCDC goals.

The annexation is in conformance with the following goals:

1. Goal One - Citizen Involvement

The Comprehensive Plan and Urban Growth Boundaries were developed in cooperation with the City and County Planning Commissions and governing bodies. The City of Albany Plan was also coordinated with development of the Linn County Plan.

2. Goal Two - Land Use Planning

The annexation is in conformance with the Albany Comprehensive Plan that was adopted by the City and County and the Urban Growth Policies Agreement, a document adopted by Albany and Linn County that specifies the provision of services and annexation procedures.

3. Goal Three - Agricultural Lands

The subject area exhibits agricultural soils. However, because of the extent of urban growth that has occurred around the enclave, and because sewer and water facilities pass through the area in question, it is the City's position that the area is committed to urban use and therefore unsuitable for agricultural use. Accordingly, the annexation of the subject property will not constitute a violation of Goal 3.