

- WHEREAS, the Albany City Council and the Linn County Board of Commissioners have entered into an Urban Growth Management Agreement, and,
- WHEREAS, this agreement provides for joint review and approval of delayed annexation contracts involving certain properties in the urban fringe of the Albany Urban Growth Boundary, and
- WHEREAS, property described in attached 'Exhibit A' has applied for delayed annexation under the terms of this agreement and City and County codes regulating such development, and
- WHEREAS, the City of Albany has reviewed the proposed development and has agreed to Site Plan approval with conditions attached Exhibits C, D, E and by reference incorporated herein, and
- WHEREAS, the property owners, County representatives, and City representatives held a joint development review meeting on August 15, 1984 to discuss the proposed development and possible conditions of approval, and
- WHEREAS, a Public Hearing was held before the combined bodies of the Albany City Council and the Linn County Board of Commissioners on September 19, 1984 concerning the proposed delayed annexation, and
- WHEREAS, findings were presented, attached 'Exhibit B', in support of the delayed annexation, and
- WHEREAS, the terms and conditions of the proposed contract have tentatively been agreed to by all signators to the contract which is attached hereto as 'Exhibit F';

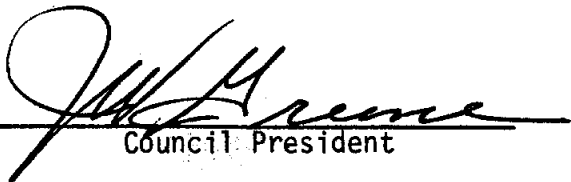
NOW THEREFORE BE IT RESOLVED by the Albany City Council that the subject delayed annexation be approved and that the City Manager and City Recorder be authorized to sign the contract binding the City of Albany to the terms and conditions thereof.

Dated this 19th day of September, 1984.

ATTEST:



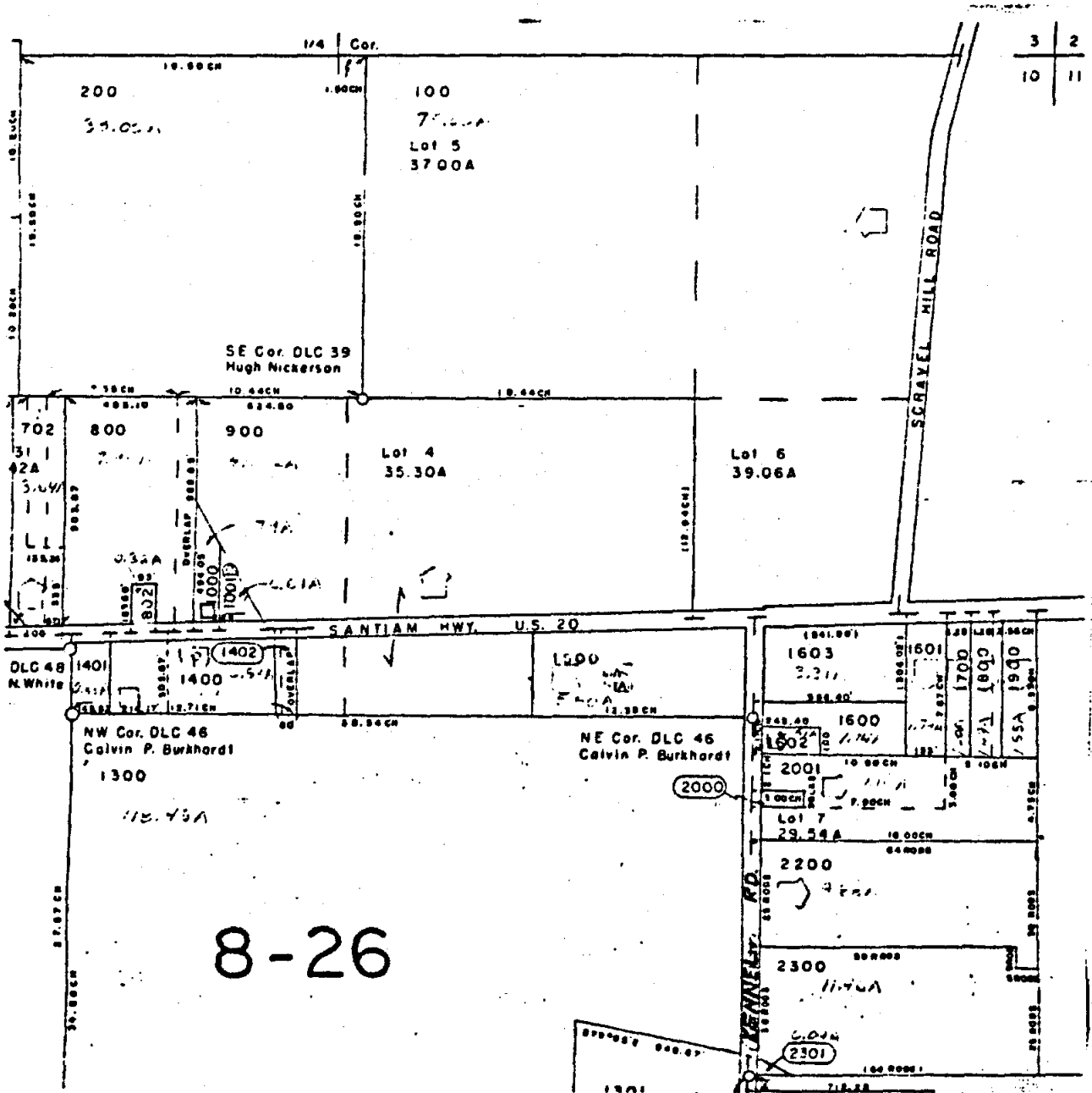
City Recorder



Council President

LEGAL DESCRIPTION OF PROPERTY PROPOSED FOR DELAYED ANNEXATION

Beginning at a stone at the northeast corner of Calvin P. Burkhardt D.L.C. No. 46, in T. 11 S., R. 3 W., of the W.M., and running thence south 89°45' west along the north line of said claim 12.33 chains to a 1½" pipe; thence north 0°10' east 4.693 chains to a 1½" pipe on the south line of the Santiam Highway; thence north 88°09' east along said line 12.33 chains to the center of the county road; thence south 0°05' west along said center line 5.037 chains to the place of beginning, being situated in the County of Linn and State of Oregon.



The City and County have recognized a common interest in the development of industrial and commercial properties which lie outside of the existing City limits and are not contiguous, but lie within the acknowledged Urban Growth Boundary.

A Delayed Annexation makes it possible for urban development to occur. Property development standards shall be determined by both the City and the County as part of the review process described in Section 4 of Article 17 of the Linn County Zoning Ordinance. The City Implementing Ordinances shall be utilized except when both the County and the City agree to using other standards on an interim basis where such standards would be more suitable prior to annexation and where the applicant has provided assurances to meet City standards upon annexation.

The Delayed Annexation shall not be approved until both the City and the County agree to all terms and conditions for approval. Procedures for approval must be followed as outlined in Article 17 of the Linn County Zoning Ordinance which was agreed to by the County and the City as a part of a jointly adopted Urban Growth Management Agreement.

NOTICE INFORMATION:

Notices were mailed to affected property owners on September 7, 1984.

FINDINGS

Conformance With The Adopted Comprehensive Plan

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

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

The existing residential use of the subject property is (and will be) in conformance with the designation indicated on the Comprehensive Plan Map.

1. Urban Growth Policies

- (a) The subject property is within the locally adopted Urban Growth Boundary.
- (b) The future annexation of the property will be an incremental step in extending the City limits to the Urban Growth Boundary.
- (c) The subject property is developed and has been committed to an urban use through prior use as a service station and residence.

2. Growth Management

- (a) Annexation of the subject property will conform to the Growth Management

Policies as the proposed delayed annexation will allow the redevelopment of property which has had a long history of commercial use and which will be able to make full utilization of urban services when extended.

- (b) The delayed annexation process will assure that all future development of the property will conform to urban standards and will allow for the full extension of urban services at a future date.

3. Development Policies

When the subject property is annexed, it will be rezoned to the appropriate commercial designation (C1, Light Commercial) and will be in compliance with the Comprehensive Plan designation for the property. Any future developments or modifications to the existing structures must occur to City standards.

4. Annexation Policies

- (a) Annexation of the subject property will occur when such action represents a logical extension of the City boundary and service area.
- (b) Annexation of the subject property at a future date will facilitate the functional and economic provisions of services within the Urban Growth Boundary without seriously impairing City services to other portions of the City.

Annexation Criteria

Any annexation proposal considered under a Type IV procedure must be demonstrated to be in conformance with the following criteria:

1. The proposed annexation is within the Urban Growth Boundary and is a logical and efficient extension of the City limit boundaries.

"Fact: The proposed annexation is within the UGB as shown on the City's Comprehensive Plan of September 10, 1982.

Conclusions: Proposed annexation is in conformance with criteria above."

2. The proposed annexation will facilitate the functional and economic provision of services with the Urban Growth Boundary without seriously impairing City services to existing portions of the City.

"Fact:

- (1) No public improvements are planned for this area.
- (2) Storm drains will be constructed on site and will be directed to natural receiving stream.
- (3) Sanitary waste disposal will be handled by on-site holding tanks.

- (4) The property owner is willing to participate in future improvements that will be constructed in this and surrounding areas that will benefit his property.

Conclusion: The above facts meet the criteria in "B".

3. The proposed annexation will add property to the City which is needed to provide an adequate supply of zoned lands for the uses proposed or will add property which has existing development in need of City services.

Fact:

- (1) The owner intends to change use of the subject parcel from a service station to a hardware store and saw sales and service shop.
- (2) Additional assessed value created by this proposed annexation and subsequent development will provide greater financing capacity for supporting future public improvements.
- (3) There are no other C-1 zoned properties east of I-5 and south of Knox Butte Road.

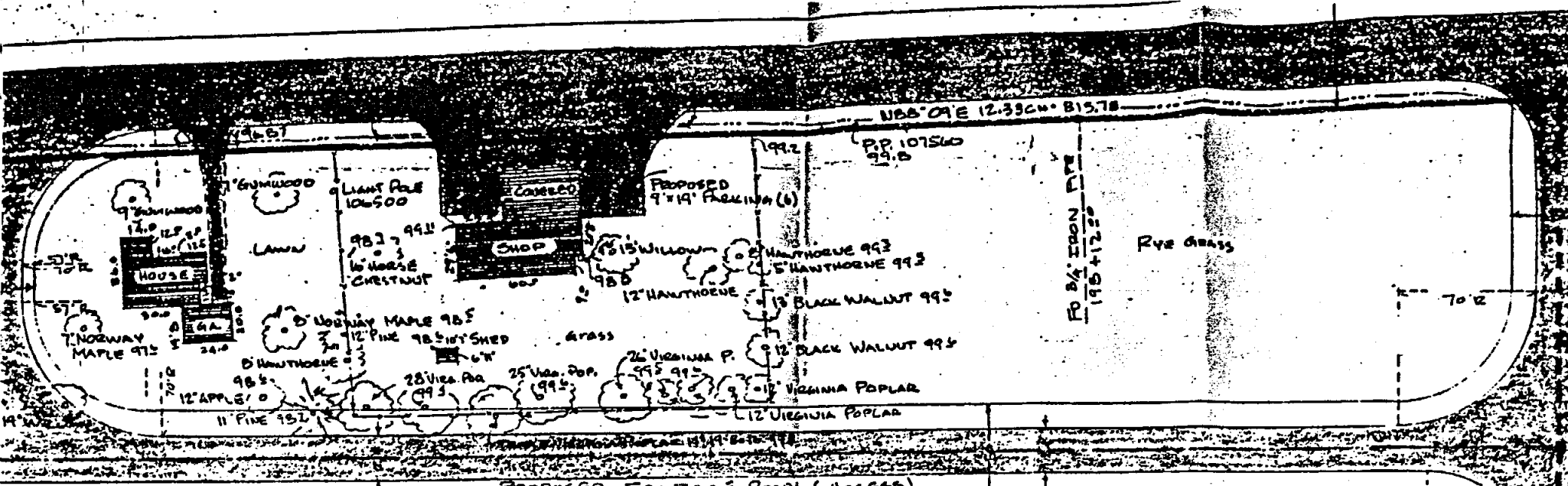
Conclusion: The above facts met the criteria of "C" above.

CONCLUSIONS:

1. Annexation of the subject property will be a logical extension of the City boundary and will provide for coordinated planning efforts for extension of streets and utilities.
2. The subject property is within the Urban Growth Boundary.
3. Delayed Annexation of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
4. The proposed zoning designation of C1 (Light Commercial) will be in conformance with the acknowledged Albany Comprehensive Plan.
5. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through the delayed annexation process.

STAFF RECOMMENDATIONS:

That the City Council and the Board of Commissioners APPROVE the Delayed Annexation of the subject property, adopt the Findings and Conclusions listed in this Staff Report and enter into the terms and conditions of the attached contract which specifies the conditions binding to each of the three parties.



NOTE: 24 FT OF PUNT. IF THIS PROPERTY DEVELOPES FIRST, IF PROPERTY TO WEST AND THIS PROPERTY DEVELOP SIMULTANEOUSLY THEN THE 24 FT ROADWAY WOULD CENTER ON THE PROPERTY LINE

5.01 ACRES ±

RYE GRASS

S89° 45' W 12.33 CH. 813.78

NORTHEAST CORNER OF THE CALVIN P. BUELHART D.L.L. 44

Exhibit 'C'

Site Plan for
IRL GRACE
 in the Northeast Quarter of Section 10, T.11S., R.3W. WB.8M.
 Linn County, Oregon Scale: 1" = 50' June 18, 1984

Moore
 424 E.
 Albany,

City of Albany

PLANNING DEPARTMENT



September 19, 1984

APPROVAL DATE: September 19, 1984
 EFFECTIVE DATE: October 4, 1984
 unless an appeal has been filed prior
 to the effective date.

Paul D. & Sally L. Livingston
 41813 Larwood Drive
 Scio, OR 97374

Dear Mr. & Mrs. Livingston:

SUBJECT: Site Plan Review Case No. SP-54-84 to change the use of the subject parcel from a service station and farm to a hardware store and a saw sales and service shop located at 5886 Santiam Highway SE (Tax Lot 1500, 11-3W-10.

Your application for Site Plan Review has been processed and found to be in conformance with the Albany Development Code with the following conditions:

1. Change of occupancy inspection required. In order to insure the rapid processing of your project, the following information would be helpful:

- A. Submit plot plan, locating the building on the respective property.
- B. Floor plan with room dimensions.
- C. Designated use of each room.
- D. Identification of any structural elements of the building to be remodeled.

2. Plant four (4) street trees adjacent to Santiam Highway as indicated on Exhibit "D". Trees shall be planted by February 15, 1985. Staff recommends that you select from the following list of trees:

- | | |
|---|--|
| <p>A. <u>Type of tree:</u>
 <u>Botanical name:</u>
 <u>Recommended size:</u>
 <u>Planting instructions:</u></p> | <p>London Plane Tree
 Platanus Acerfolia
 1 1/2" caliber, 10' - 12' tall
 - Plant 30'-40' on center;
 - Provide at least 16 sq. ft. of planting area;
 - Provide at least 8'-10' off-set from overhead lines;
 - Set back at least 6'-8' from adjacent street.</p> |
|---|--|

wp.sp.54.84.spl.doc

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P. O. BOX 490

ALBANY, OREGON 97321

(503) 967-4395

AN EQUAL OPPORTUNITY EMPLOYER

- B. Type of tree: Moraine Honey Locust
Botanical name: Gleditsia Tricanthos Moraine
Recommended size: 1 1/2" caliber, 8'-10' tall
Planting instructions: - Plant 15'-30' on center;
- Provide at least 16 sq. ft. of planting area;
- Must be compatible with overhead lines;
- Set back at least 6'-8' from adjacent street.
- C. Type of tree: Red Maple varieties - Armstrong Columnar Red Maple
Botanical name: Acer Rubrum "Columnar Armstrong"
Recommended size: 1 1/2" caliber, 10'-12' tall
Planting instructions: - Plant 25' on center;
- Provide at least 16 sq. ft. of planting area;
- Must be compatible with overhead lines;
- Set back at least 6' from adjacent street;
- Good for narrow strips.
- D. Type of tree: Red Sunset Red Maple
Botanical name: Acer Rubrum, Red Sunset
Recommended size: 1 1/2" caliber, 10'-12' tall
Planting instructions: - Plant 30' on center;
- Provide at least 16 sq. ft. of planting area;
- Set back at least 6'-8' from adjacent street.

3. Submit signage detail to City of Albany Planning Department for approval. Maximum aggregate area allowed - 160 square feet.
4. Required landscape area which is presently paved must be torn up and landscaped (a minimum of two (2) street trees as per Exhibit "D") at the time future development occurs on the site.
5. Submit parking lot drainage detail to City of Albany Public Works Department for review and approval.
6. Submit petition for Improvement/Waiver of Remonstrance for storm drains, curbs, and sidewalks for Tax Lot 1500 on Santiam Highway.
7. Any subsequent development or intensification of use of the property will require construction of the proposed frontage road (Exhibit "C").
8. Required parking area (Exhibit "D") is to be developed to standards of Section 7.090 of the Albany Development Code by September 30, 1985.
9. Obtain all necessary permits.

If you wish to proceed prior to the effective date, you may sign the Release and Indemnity Agreement which is enclosed. If you have any questions, or if I can be of any additional assistance to you, please do not hesitate to call me at 967-4395.

Best Regards,



V. Candace Ribera
Associate Planner

I UNDERSTAND AND ACCEPT THE ABOVE-LISTED
CONDITIONS WHICH HAVE BEEN ATTACHED
TO THE ABOVE-REFERENCED REQUEST.

Owner or Authorized Agent

Enclosure

pc: Code Enforcement Division
Public Works Department
Police Department
Fire Department
SP-54-84
AN-03-84
Linn County Planning Dept.
P.O. Box 100
Albany, OR 97321
Irl & Helen Grace
5822 Santiam Highway SE
Albany, OR 97321

DELAYED ANNEXATION PETITION AND AGREEMENT

TO: The City Council of Albany, Oregon, and Linn County Board of Commissioners

This agreement is made this ___ day of _____, by and between the City of Albany, Oregon, a municipal corporation, the County of Linn, and the undersigned owner(s) of record of the property described in exhibit "A" (legal description and map), attached hereto and by this reference incorporated herein.

In consideration of the mutual promises contained herein, and upon the valid execution of this agreement by all parties hereto, it is agreed as follows:

OWNER'S OBLIGATIONS

1. The undersigned owner(s) of the property described in Exhibit "A" hereby petition for annexation of said property to the City of Albany in accordance with ORS Chapter 222.170.
2. Except as hereinafter set forth it is understood that this petition shall be permanent and irrevocable.
3. This agreement shall be binding upon the undersigned, and his heirs, successors, and assigns and shall become a covenant running forever with the land described in Exhibit "A", regardless of whether said parties are signators to this agreement.
4. The undersigned owner agrees to pay all pending assessments and development fees, including one and one-half times the in-city rate for sewer usage at such time sewer service is provided until such time as the property is annexed, whereupon the current in-City sewer rate shall apply.
5. The undersigned owner further agrees to the following special conditions:
 - a. Sign a Petition For Improvement and Waiver of Remonstrance for storm drainage, sanitary sewer, and sidewalks for Santiam Highway.
 - b. The applicant agrees to make all improvements indicated on the Approved Site Plan (Exhibit D) and the conditions attached to the Approval (SP-54-84) by the City of Albany for Phase I (Exhibit E).
 - c. Future development shall be subject to additional Site Plan Approvals by both the City of Albany and Linn County Planning Departments in accordance with the Albany Development Code as may be amended.
 - d. All property improvements shall be constructed and maintained in accordance with the City of Albany's Development specifications.
 - e. Until sanitary sewer facilities are available, the applicant shall obtain the necessary approvals for sanitation facilities from DEQ or its designee.

The undersigned owner hereby acknowledges that s/he has read this petition and its attachments, understood the requirements for delayed annexation, and states that the information supplied is complete, true, and accurate. The undersigned reserves the right to withdraw this petition upon giving written notice to the Planning Director of the City of Albany not more than 30 days from receipt of the notice of final action listing all final conditions of approval. The undersigned further understands that if the actions required are not completed as agreed, Linn County may revoke all permits issued since the agreement was signed and the City of Albany shall have the right to discontinue sewer service upon giving ninety (90) days' written notice to the undersigned or to the owner of record of the property which is the subject of this agreement as said ownership appears in the records of the assessor of Linn County, Oregon.

CITY'S AGREEMENT

1. The City agrees that at such time as the property described in Exhibit "A" may become contiguous to the corporate boundaries of the City of Albany, it shall be eligible for annexation and shall be considered for such action.
2. The City agrees to provide such municipal services as it, in the exercise of its discretion, may deem prudent.
3. The City agrees, notwithstanding the foregoing, to provide and maintain the following municipal services:
 - a. Sanitary sewer service at such time that a Local Improvement District is formed of sufficient size to warrant sewer construction.
 - b. The City agrees to maintain all public facilities constructed to City standards and specifications.
 - c. The proposed frontage road shall be a private road with reciprocal access and maintenance agreements for all frontage property owners. The construction of the proposed roadway (Exhibit C) shall be to City standards and specifications and approved by the City Engineer.
 - d. All drainage improvements shall be constructed to City standards and specifications and maintained by the City of Albany unless otherwise agreed to by the City of Albany and Linn County.
 - e. The City agrees that Linn County shall retain all building inspection responsibilities and collection of fees until such time that the property is annexed.

THE COUNTY OF LINN AGREES:

1. To provide such public services as would otherwise be provided to the subject property by the county absent other terms of this agreement.
2. To permit the development of the subject property in accordance with the applicable Linn County Delayed Annexation Overlay Zoning and all applicable city development standards, except the following:
 - a. County reserves the right to issue septic disposal system permits by the Environmental Health Division as authorized agent for the Department of Environmental Quality until sewer services are provided.
 - b. County reserves the right to issue building and fill and excavation permits, perform necessary inspection, and collect any applicable fees, subject to City approval for compliance with City development standards.
 - c. County agrees to allow any roadway and/or drainage improvements to be constructed and maintained at City City standards and specifications, unless otherwise negotiated at a later time.
3. The County agrees to provide for future development in accordance with the Albany Development Code.

SEVERABILITY

The provisions of this document are severable. If any section, sentence, clause or phrase of this document is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions.

RECORDING

It is further agreed that this contract shall be recorded in the deed record of Linn County.