

RESOLUTION NO. 3652

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED SOUTH OF THE TERMINUS OF LOONEY LANE SOUTH OF BELMONT AVENUE AND WEST OF LINN-BENTON COMMUNITY COLLEGE (A PORTION OF TAX LOT 1000, LINN COUNTY ASSESSOR'S MAP NO. 11-4W-25) AND CONTAINING APPROXIMATELY 3.29 ACRES AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE FILE NO. AN-02-96).

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A and a portion of that property more commonly known as 31777 Allen Lane SW and which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for Planning Commission review and public hearings for such annexations; and

WHEREAS, the Albany Development Code provides for the application of specific zoning districts upon annexation of territory under these circumstances; and

WHEREAS, a public hearing should be held concerning the withdrawal of said territory from the Albany Rural Fire Protection District under the provisions of ORS 222.524.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the territory described by attached Exhibit A is hereby proclaimed to be annexed to the City of Albany and zoned RS-6.5 (Residential Single Family - 6,500 square foot lot minimum).

BE IT FURTHER RESOLVED that the findings, attached Exhibit B, are hereby adopted in support of this annexation and zoning action.

BE IT FURTHER RESOLVED by the Albany City Council that a public hearing on the matter of removal of the territory described in Exhibit A from the Albany Rural Fire Protection District be held by the City Council on June 26, 1996, at 7:15 p.m.

BE IT FURTHER RESOLVED that the City Recorder shall give notice of the hearing by publication once each week for two (2) successive weeks prior to the day of said hearing in a newspaper of general circulation within the city. The City Recorder shall further cause notice of this hearing to be posted in four (4) public places within the city for a like time.

BE IT FURTHER RESOLVED that the property described by attached Exhibit A shall be effectively annexed to the City of Albany on the date that the complete abstract of the annexation proceedings described above is filed with the Secretary of State of the State of Oregon.

DATED THIS 12TH DAY OF JUNE 1996.



Mayor

ATTEST:

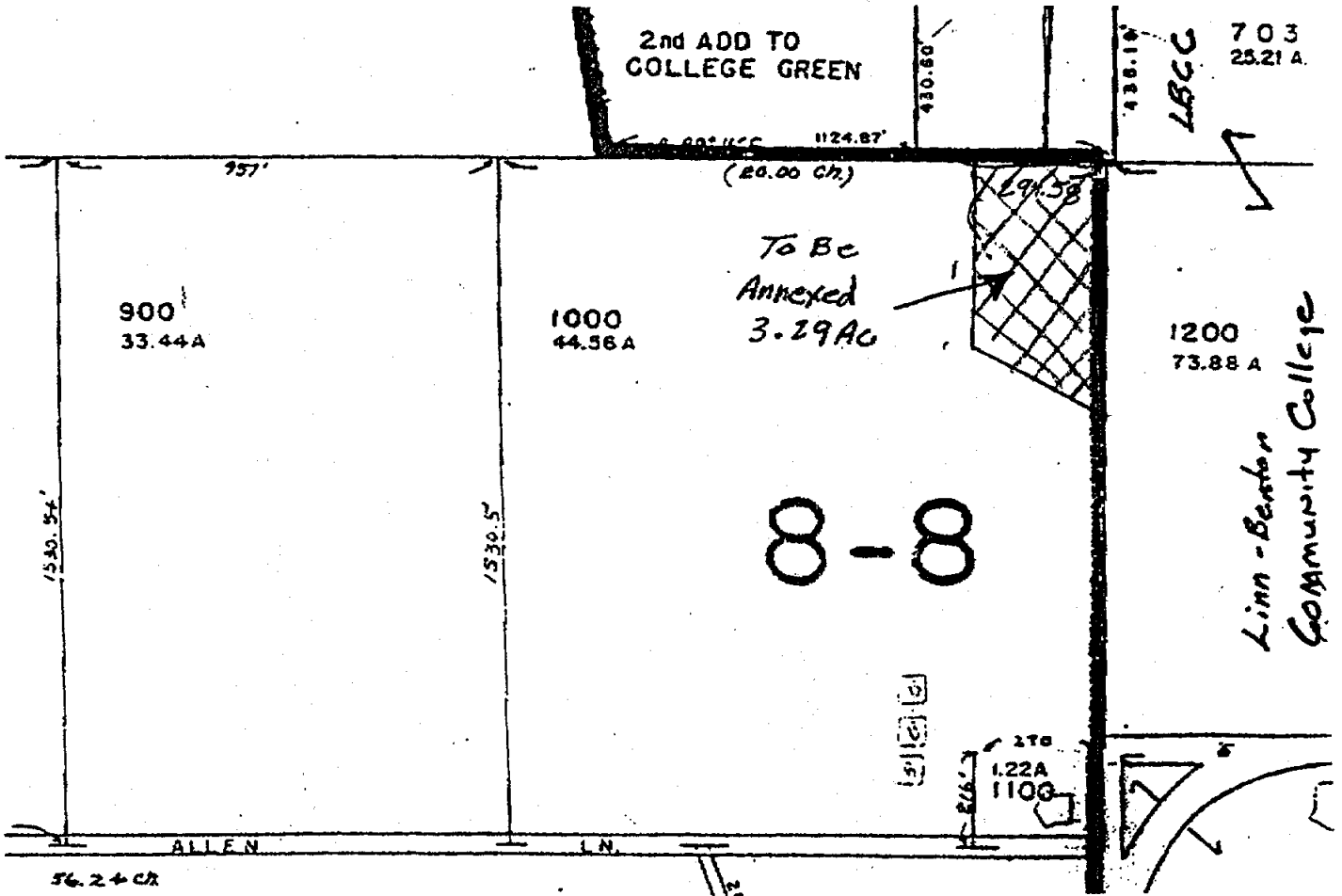


City Recorder



**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-02-96**

Beginning at a 2-inch iron pipe, which is South 0°32'00" West 435.19 feet of the initial point of the First Addition to College Green Subdivision in the northeast 1/4 of Section 25, Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon; thence South 0°31'30" West 557.81 feet to a 5/8-inch iron rod; thence North 64°39'06" West 128.22 feet to a 5/8-inch iron rod; thence North 61°33'03" West 201.69 feet to a 5/8-inch iron rod; thence North 0°31'30" East 412.00 feet to a 5/8-inch iron rod; thence South 89°12'43" East 294.58 feet to the point of beginning.



**EXHIBIT B
FINDINGS
CASE NO. AN-02-96**

1. Annexation of the subject property is a logical and efficient extension of the city limits boundaries to facilitate the functional and economic provision of services as the property to the east is currently within the city limits.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. The City is capable of providing city services commensurate with the needs of existing and any proposed new uses in the subject area without significantly impairing city services to existing portions

of the city or without extending services in contradiction to Comprehensive Plan policies or an adopted Public Facility Plan and more particularly:

- a. **Sanitary Sewer.** Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of a 12-inch main running north-south in Looney Lane directly north of the subject property. This sewer line is very deep, and because it will likely serve other properties to the south, any extension must be designed sufficiently deep to allow for future extensions to properties further to the south.
 - b. **Water.** Water utility maps indicate that public water service adjacent to this site consists of a new 12-inch main running along the east property boundary from Looney Lane, south to Allen Lane. The 8-inch line that existed in Looney Lane directly to the north of this property has been abandoned as a part of the 12-inch water line extension project.
 - c. **Storm Drainage.** Storm drain utility maps indicate that public storm drainage adjacent to this property consists of storm drain lines at the intersection of Looney lane and Belmont Avenue, and a drainage creek which runs in a northwesterly direction near the property's south boundary. The storm drainage pipes appear to discharge to the creek where the creek crosses under Belmont Avenue.
 - d. **Streets.** The subject property is bounded on the north by Looney Lane which is a 70-foot right-of-way with street improvements including curb, gutter, sidewalk, storm drainage.
 - e. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve for first-due Engine Company response. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time the property is subdivided and the existing water line is extended into the subject property.
 - f. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
 - g. **Schools.** The subject property is within the attendance boundaries of Liberty Elementary School, Memorial Middle School and West Albany High School. Bus service is provided.
 - h. **Parks.** The nearest existing park is Teloh Calapooia which is located approximately a quarter mile away at the end of Looney Lane, north of Morse Lane SW.
4. **Annexation and zoning of the subject property are 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 annexation.**
 6. **The annexation of the subject property was initiated by 100% of the property owners and no electors reside on the property; thus, annexation may occur without a public hearing or an election under the provisions of ORS 222.125.**
 7. **The proposed zoning designation of RS-6.5 (Residential Single Family) is in conformance with the Albany Comprehensive Plan designation of Urban Residential Reserve. As such, the property may be developed applying the standards for the RS-6.5 zoning district as provided for in the Albany Development Code.**
 8. **Annexation of the subject property will conform to the Growth Management Policies of the Albany Comprehensive Plan as the proposed annexation will encourage the urbanization of an area where facilities and services are in need of extension. Development of this type will enable a cost effective extension of urban facilities and services and will assure that any future development of the subject property will be to City standards.**

**CITY OF ALBANY
ANNEXATION STAFF REPORT**

FILE NO.: AN-02-96

REVIEW BODY: Albany City Council **DATE AND TIME OF REVIEW:** Wednesday, June 12, 1996, 7:15 p.m.

MEETING LOCATION: 333 Broadalbin Street SW, City Hall Council Chambers

GENERAL INFORMATION

Applicants: Campbell Family Trust (sellers); 31777 Allen Lane SW; Tangent OR 97389. Duane Smith (agent) dba ERA Ransom & Smith; 2910 Santiam Highway SE; Albany, OR 97321. Bob Perrault (buyer); 3235 North Michigan; Portland, OR 97227. Jim Udell dba Udell Engineering and Surveying; 32388 Berlin Road; Lebanon, OR 97355.

Type of Request: Annexation of 3.29 acres of a 44.56 acre parcel with concurrent zoning of RS-6.5 (Residential Single Family).

Property Location: South of the terminus of Looney Lane south of Belmont Avenue SW, west of Linn-Benton Community College

Assessor's Map & Tax Lot No.: Linn County Assessor's Map No. 11-4W-25, a portion of Tax Lot 1000

Neighborhood: South Albany

Comprehensive Plan Designation: Residential Reserve

Current Zoning Designation: UGM-20 (Urban Growth Management, 20 acres minimum)

Surrounding Zoning: To the east and north, RS-6.5 (Residential Single Family); to the west and south, UGM-20 (Urban Growth Management, 20 acres minimum)

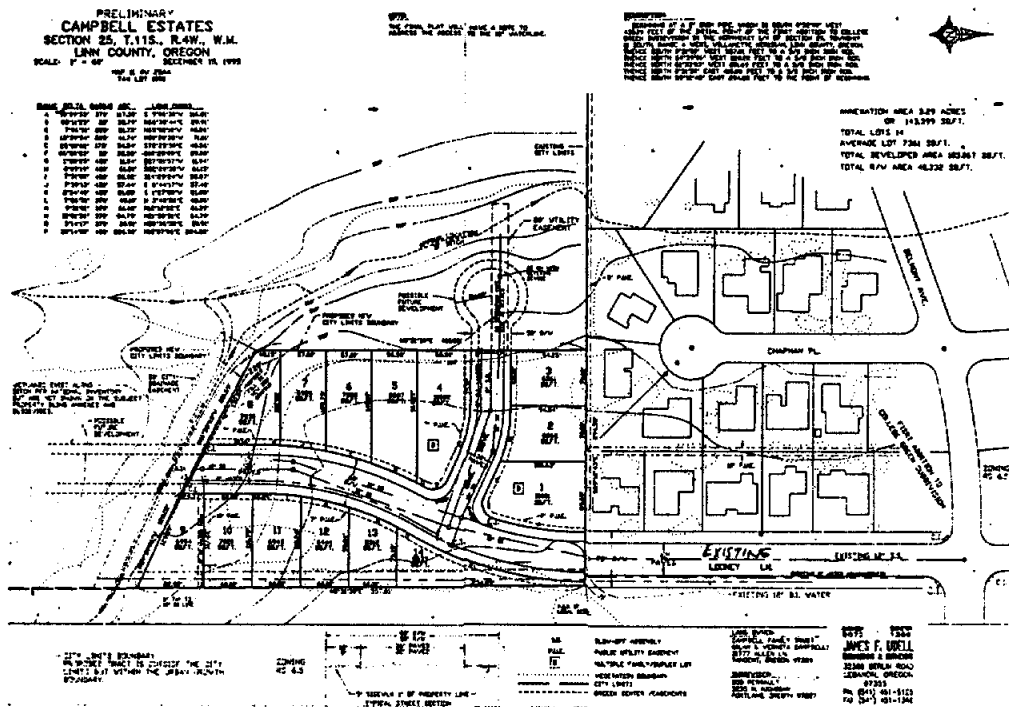
Existing Land Use: Agriculture (grass field)

Surrounding Land Uses: To the east, Linn-Benton Community College; to the north, a platted subdivision (College Green); to the south and west, agricultural use (grass fields) with a single family residence located near the intersection of Looney Lane with Allen Lane.

Proposed Zoning: RS-6.5 (Residential Single Family)

Reason for Annexation: The applicants desire to sell a portion of their property to a developer who has submitted a Subdivision application for the division of the 3.29-acre parcel into 14 lots (12 single family and 2 duplex lots) ranging in size from 5,312 square feet to 10,022 square feet with an average lot size of 7,361 square feet as shown on the following page.

SITE PLAN MAP



Background Information: Oregon law allows consent annexations to occur without a public hearing or an election when annexation of the subject property is initiated by 100% of the property owners and electors residing on the property (ORS 222.125). However, ORS requires a public hearing for removal of territory from Rural Fire Protection Districts.

This Annexation proposal was brought before the City Council on April 10, 1996. The Council chose not to annex the subject property at that time due to issues raised by the owners of an adjacent lot relating to floodplains and wetlands.

On May 15, 1996, at 2:00 p.m. a meeting was held with Ted and Dee Deems (adjacent property owners appearing before the Council), Mr. and Mrs. Campbell (owners of the subject property), Mr. Perrault (buyer of 3 acres of the subject property), Mr. Udell (buyer's engineer), Helen Burns Sharp, Candace Ribera and Rich Catlin (planning) and Gordon Steffensmeier and Mike Leopard (engineering). Mr. Udell explained the area of flooding and the location of wetlands as determined by their wetland delineation. These wetlands are located adjacent to the drainage channel located near the southern boundary of the 3 acres being proposed for annexation and follow the channel towards the Deems' property. Staff encouraged the Campbells to have a Master Plan and a wetlands delineation done on their remaining acreage prior to further requests for annexation. All of the issues raised by the Deems at the City Council meeting on April 10, 1996, were resolved to their satisfaction.

The Annexation request is now again before the City Council. Since it has been the City's practice to annex property and remove it from the Rural Fire Protection District concurrently, staff recommends that the City Council proclaim this annexation on June 12, 1996, and set a public hearing date of June 26, 1996, for the removal of the territory from the Albany Rural Fire Protection District.

AVAILABILITY OF URBAN SERVICES: 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 information provided represents the current information we have in a readily available format. While the information we provide is generally believed to be accurate, occasionally this information proves to be incorrect, and thus we do not warrant its accuracy. Prior to making any property purchases or other investments based, in full or in part, upon the information provided, we specifically advise that you independently field verify the information contained within our records.

1. **Sanitary Sewer.** Sanitary sewer utility maps indicate that public sanitary sewer service adjacent to this site consists of a 12-inch main running north-south in Looney Lane directly north of the subject property. This sewer line is very deep, and because it will likely serve other properties to the south, any extension must be designed sufficiently deep to allow for future extensions to properties further to the south.

The Albany Development Code requires connection to the public sanitary sewer system if the property is within 300 feet of a public line (ADC12.470 revised), therefore, development on this parcel must be connected to the public system.

All new development within the City must, where appropriate, make provisions for the continuation or appropriate projection of public sanitary sewer lines to serve surrounding areas. Line extensions may be required through the interior of a property to be developed where the City Engineer determines that the extension is needed to provide service to upstream properties (ADC12.510 revised).

The applicant will be required to extend public sanitary sewer for the full length of the proposed Looney Lane extension, from the manhole at the south end of the existing Looney Lane to the south boundary of the subject parcel at the time that development occurs on the property. The existing public sewer in Looney Lane is approximately 20 feet deep and because it must serve properties far to the south, the public sewer line extension required for this project must be constructed at minimum grade to allow for future extension farther to the south.

2. **Water.** Water utility maps indicate that public water service adjacent to this site consists of a new 12-inch main running along the east property boundary from Looney Lane, south to Allen Lane. The 8-inch line that existed in Looney Lane directly to the north of this property has been abandoned as a part of the 12-inch water line extension project.

The Albany Development Code requires connection to the public water system if the property is within 150 feet of a public line (ADC12.410 revised), therefore, development on this parcel must be connected to the public system at the time development occurs on the parcel.

Water distribution mains must be extended along the full length of the property's frontage along the right-of-way or to a point identified by the City Engineer as necessary to accommodate likely system expansion. Main extensions may be required through the interior of properties when necessary to provide for service to other properties or to provide looping for fire flows (ADC12.430 revised).

The applicant will be required to extend public water along the full length of the Looney Lane extension as a requirement of development. The connection to the existing 12-inch public water line shall be made near the north boundary of the project. A public water main shall be extended from the proposed Looney Lane extension to the west property boundary at Quail Drive. If the Albany Fire Department requires the installation of a public fire hydrant in conjunction with the development of the subject property, the required hydrant location and minimum flows will be approved by the Albany Fire Department at the time of development review.

3. **Storm Drainage.** Storm drain utility maps indicate that public storm drainage adjacent to this property consists of storm drain lines at the intersection of Looney lane and Belmont Avenue, and a drainage creek which runs in a northwesterly direction near the property's south boundary. The storm drainage pipes appear to discharge to the creek where the creek crosses under Belmont Avenue.

Detention of all on-site drainage is required. The storm drainage system for future development of the subject property must be designed such that the post-development runoff from a 10-year storm event does not exceed the pre-development runoff.

Information regarding any floodplain, wetland, creek channel boundaries will be required to be submitted with subsequent plans. The creek channel near the Target development was estimated to carry 115 cfs. It was calculated that the Target development would produce an additional 27 cfs to be discharged into the creek. The applicant will be required to estimate the flow in the creek channel adjacent to the

proposed development under these conditions, and show on the site plan the high water mark relative to the proposed property lines at the time of development review for the subject property.

4. **Streets.** The subject property has access to the north from Looney Lane, which currently dead-ends at the northeast property corner. Looney Lane is a likely collector street which may ultimately extend to Allen Lane/Looney Lane to the south. Looney Lane is constructed to city standards and ends at the north boundary of the subject property. Looney Lane has a right-of-way width of 70 feet, a curb-to-curb width of 40 feet, and is adequate to accommodate the demands of future development. A subdivision application has been submitted which proposes to extend Looney Lane through the project with a right-of-way width of 60 feet, and a curb-to-curb width of 36 feet.

The street pattern proposed for the project is consistent with the City's Master Street Plan and modifications being considered in the Transportation Master Plan study currently underway.

5. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station Twelve for first-due Engine Company response. Adequate water flow for a fire hydrant grid system compatible with the water facility plan and the Albany Fire Department requirements shall be provided at the time the property is subdivided.
6. **Police Protection.** The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
7. **Schools.** The subject property is within the attendance boundaries of Liberty Elementary School, Memorial Middle School and West Albany High School. Bus service is provided.
8. **Parks.** The nearest existing park is Teloh Calapooia which is located at the end of Looney Lane approximately one-quarter mile to the north of the subject property at the terminus of Looney Lane north of Morse Lane SW.

SUPPORTING STATEMENTS FOR ANNEXATION:

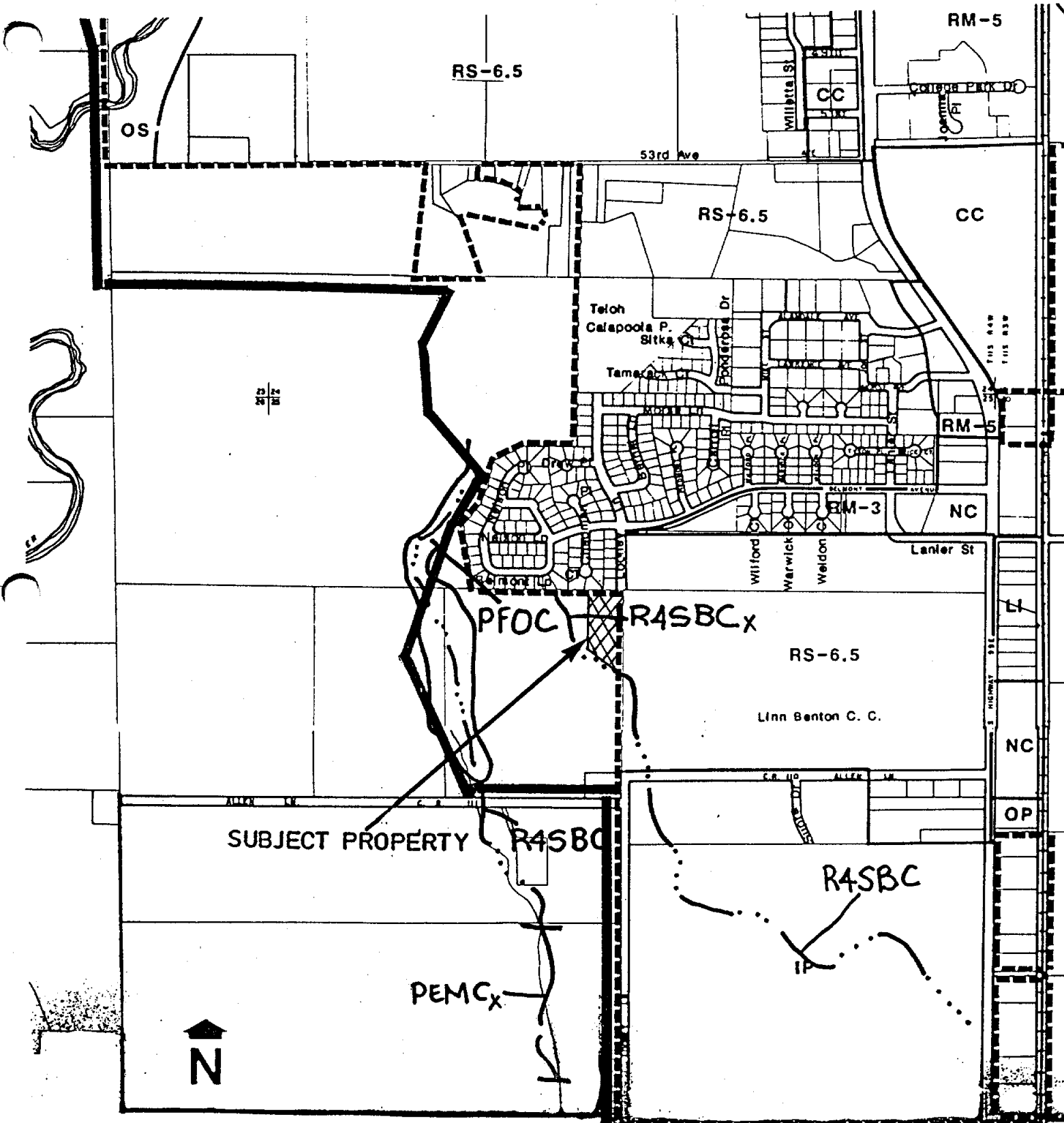
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STAFF RECOMMENDATION: That the City Council adopt the Resolution annexing the subject property with a zoning designation of RS-6.5 (Residential Single Family) and setting a public hearing for April 24, 1996, to remove the territory from the Albany Rural Fire Protection District.

ZONING MAP



--- City Limits
— Urban Growth Boundary