

RESOLUTION NO. 2767

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED ADJACENT TO AND EAST OF 4212 SANTIAM HIGHWAY SE AND CONTAINING APPROXIMATELY 1.86 ACRES (FILE NO. AN-02-88).

WHEREAS, under the provisions of ORS 222.125, 100% of the property owners and not less than 50% of the electors, if any are present, have petitioned for the annexation of territory 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.

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 C-2 (Community Commercial).

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 that the City Recorder shall be directed to submit to the Secretary of the State of Oregon a transcript of the annexation proceedings, a copy of this resolution (ordinance), and a copy of the complete consent document signed by the landowners and electors, if any are present, within the territory annexed. The City Recorder shall also be directed to submit to the Oregon State Department of Revenue a copy of this resolution (ordinance), and a copy of the legal description and map of the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

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 23RD DAY OF MARCH, 1988.



Mayor

ATTEST:



City Recorder

EXHIBIT 'A'

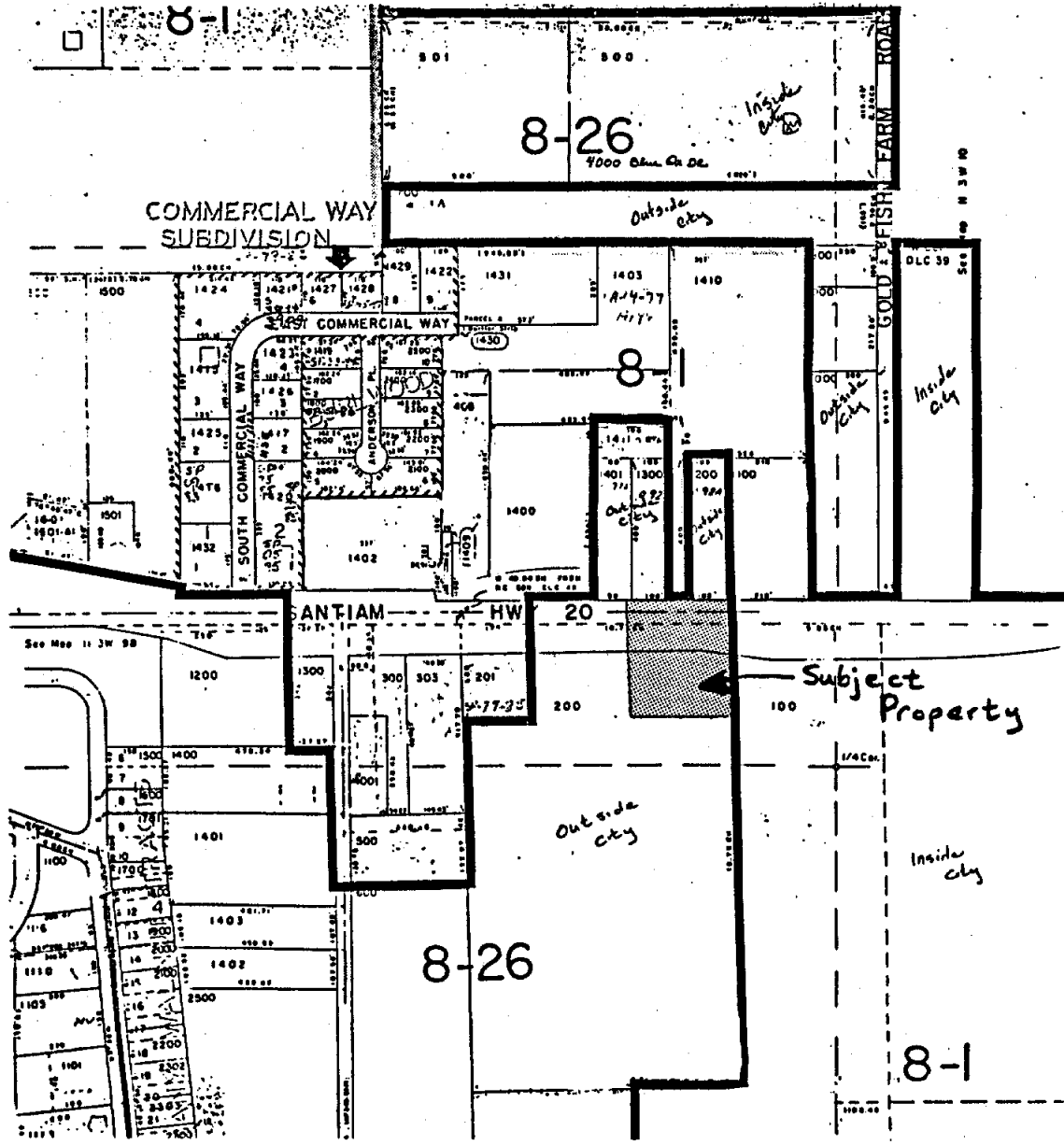
LEGAL DESCRIPTION FOR ANNEXATION

A RESOLUTION OF THE CITY OF ALBANY, OREGON

TO

THE CITY OF ALBANY, OREGON

Beginning at a point on the north right-of-way line of Santiam Highway (State Highway 20), which is 30.00 feet North and 2190.00 feet West of the northeast corner of the Edward N. White D.L.C. No.48, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence South parallel to the east line of that parcel conveyed to Cummings Transfer Co., an Oregon Corporation by Assignment of Contract recorded in MF Volume 315, Page 675, Linn County Microfilm Records, 310.00 feet; thence East parallel with the south line of said Cummings Transfer parcel, 260.82 feet to the east line of that parcel conveyed to Samuel M. Ropp et al and described in deed recorded in MF Volume 78, Page 914, Linn County Microfilm Records; thence North on the east property line of said Ropp parcel, 310.00 feet to the north right-of-way line of Santiam Highway (State Highway 20), thence West on the north right-of-way line of Santiam Highway (State Highway 20), 260.82 feet to the point of beginning, containing 1.86 acres more or less.



CASE No. AN-02-88

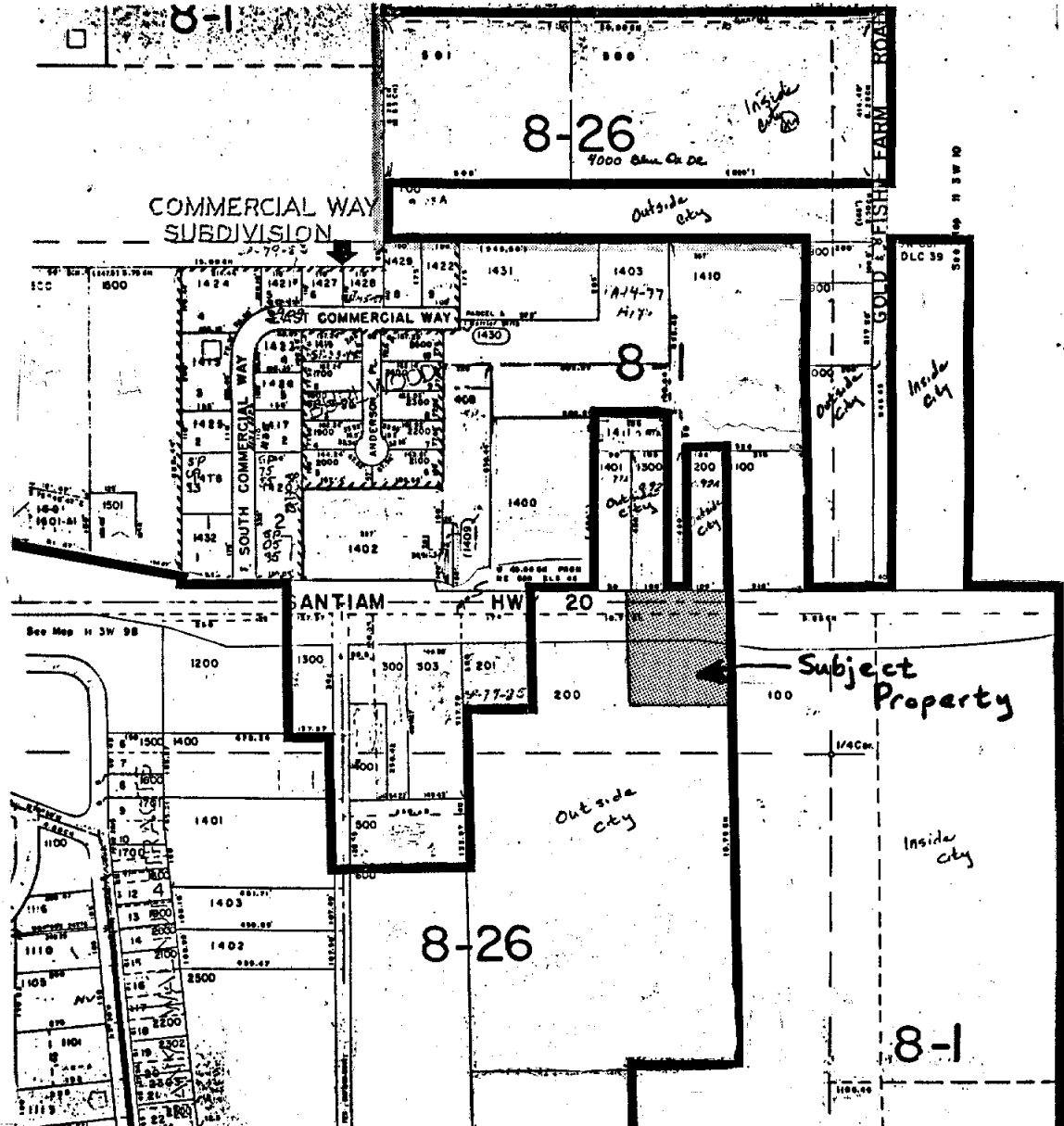
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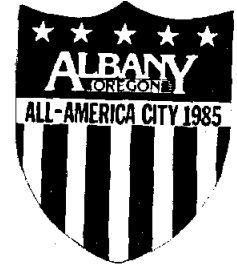
CASE No. AN-02-88

EXHIBIT 'B'

FINDINGS FOR ANNEXATION (FILE NO. AN-02-88)

1. Annexation of the subject property is a logical extension of the City boundary in that the existing city limits boundary lies to the east.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. Annexation and zoning of the subject property is in conformance with the acknowledged Albany Comprehensive Plan.
4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
5. 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 Planning Commission review under the provisions of ORS 222.125 and Albany Development Code Sections 3.010(5) and (7).
6. The Albany Development Code Annexation Zoning Matrix (Section 3.030(2)) provides for application of the C-2 (Community Commercial) zoning designation for properties with a General Commercial Comprehensive Plan designation upon annexation by this method.
7. The existing zoning designation of Urban Growth Management-Community Commercial (C-2) is in conformance with the Albany Comprehensive Plan designation of General Commercial. As such, the property may be developed applying the standards for the C-2 (Community Commercial) zoning district as provided for in the Albany Development Code.
8. Urban services can be extended to the subject property without adversity to other properties in the city.
9. The future use and development of the property will be subject to Site Plan Review approval which will assure the provision of adequate public improvements and enhancement of the property through appropriate landscaping.

CITY OF ALBANY
ANNEXATION STAFF REPORT



File No.: AN-02-88

GENERAL INFORMATION

Applicant: Anna Mitchell, Sam Ropp, Joe and Eva Ropp, Arron Ropp and the estate of Daniel Ropp, dba Ropp's Union Service

Type of Request: To annex property containing approximately 81,021.6 square feet or 1.86 acres (36,682.4 square feet of area is in Santiam Highway right-of-way)

Property Location: South side of Santiam Highway (adjacent to and east of 4212 Santiam Highway SE)

Assessor's Map & Tax Lot No.: 11-3W-9D, Portion of Tax Lot 200

Neighborhood: East Albany

Existing Comprehensive Plan Designation: General Commercial

Current Zoning Designation: UGM-C2 (Urban Growth Management-Community Commercial)

Surrounding Zoning: UGM-C2 to the south and west; CH (Heavy Commercial) to the north and east.

Existing Land Use: Vacant land

Surrounding Land Use: To the north and west, used car lots and a manufactured home sales lot; to the east and south, vacant land.

Proposed Zoning: C-2 (Community Commercial)

Proposed Use: A Site Plan Review application has been submitted to allow a manufactured home sales lot. Sales office would be located in the existing used car sales lot office.

BACKGROUND INFORMATION: Recently revised Oregon law allowed consent annexations to occur without a public hearing or Planning Commission review when annexation of the subject property is initiated by 100% of the property owners and no electors reside on the property (ORS 222.125). Also, the Albany Development Code allows annexation to occur "by Ordinance or Resolution without a hearing or election if such action is permitted by Oregon Revised Statutes" [ADC3.010(5) and (7)]. However, the ORS still requires a public hearing for removal of territory from Rural Fire Protection Districts. Staff recommends that the City Council set a

public hearing date of April 13, 1988 for the removal of the territory from the Albany Rural Fire Protection District.

AVAILABILITY OF URBAN SERVICES:

1. Sanitary sewer service is not currently available to the subject property. At the time of permanent development on the site, sewer must be extended or assurance for eventual extension must be made.
2. A 12-inch waterline exists on the north side of Santiam Highway adjacent to the subject property.
3. The Albany Police Department will be able to provide service to the subject property with no appreciable increase in costs at this time.
4. The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first due Engine Company response.

FINDINGS

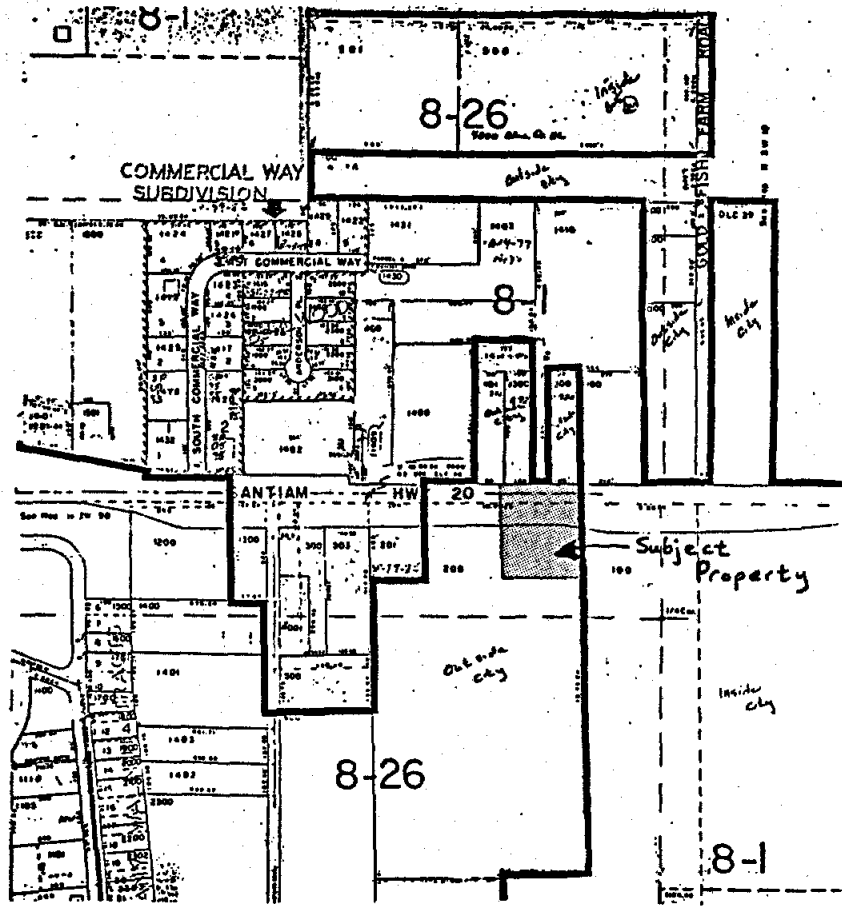
1. Annexation of the subject property is a logical extension of the city boundary in that the existing city limits boundary lies to the east.
2. The subject property is within the Urban Growth Boundary and will provide for coordinated planning efforts for extension of streets and utilities.
3. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
4. The conflicts between the City and County applications of development standards and requirements for this property will be eliminated through annexation.
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8. Urban services can be extended to the subject property without adversity to other properties in the city.

9. The future use and development of the property will be subject to Site Plan Review approval which will assure the provision of adequate public improvements and enhancement of the property through appropriate landscaping.

STAFF RECOMMENDATIONS: That the City Council adopt the Resolution annexing the subject property with a zoning designation of C-2 (Community Commercial) and the Resolution to set a public hearing to remove the territory from the Albany Rural Fire Protection District.

APPEALS: If the applicant or any affected property owner is dissatisfied with the decision or any conditions thereof required for approval by the City Council, s/he may file a "Notice of Intent to Appeal" with the State Land Use Board of Appeals within 20 days from the effective date of the Council's action.

ANNEXATION
PATTERN



ZONING
MAP

