

RESOLUTION NO. 3062

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED EAST OF COLUMBUS STREET SE, SOUTH OF OAK CREEK, AND APPROXIMATELY 600 FEET NORTH OF SEVEN MILE LANE SE (Tax Lot 1516, 11-3W-20) AND CONTAINING APPROXIMATELY 84.0274 ACRES MORE OR LESS (FILE NO. AN-02-91) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the City Council has proposed to annex in accordance with the provisions of ORS 222.750 certain property described by attached Exhibit A, which is adjacent to the City of Albany; and

WHEREAS, provisions of state law and the Albany Development Code waive requirements for an election or 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 R-1 (Single Family Residential).

BE IT FURTHER RESOLVED that the Statements in Support of Annexation, 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 12, 1991, 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 the Albany Democrat-Herald. 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 22ND DAY OF MAY, 1991.



Mayor

ATTEST:



City Recorder

**EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-02-91**

Beginning at the southwest corner of the Jordan S. Robinson Donation Land Claim Number 55, said point being the Quarter corner between Sections 20 and 29, in Township 11 South, Range 3 West, Willamette Meridian; thence North 89° 35' 04" West 40.00 feet to the westerly right-of-way line of Columbus Street; thence on the westerly right-of-way line of Columbus Street, North 00° 19' 35" East 763.93 feet, more or less to the centerline of Oak Creek; thence following the centerline of Oak Creek, the following bearings and distances: South 89° 35' 04" East 40.00 feet, to the centerline of Columbus Street; North 82° 40' 52" East 442.45 feet; North 01° 22' 42" East 128.71 feet; South 88° 42' 13" East 202.24 feet; North 04° 05' 23" East 65.46 feet; North 46° 25' 01" East 341.16 feet; South 87° 09' 30" East 199.79 feet; North 17° 06' 59" East 514.62 feet; North 64° 14' 54" East 290.49 feet; South 68° 23' 12" East 410.89 feet; South 61° 53' 41" East 357.42 feet; South 60° 11' 56" East 308.16 feet; South 73° 19' 06" East 205.03 feet, more or less, to the east Section line of Section 20, Township 11 South, Range 3 West, Willamette Meridian; thence on said east line of Section 20, South 00° 24' 54" West 1,340.62 feet, more or less, to the southeast corner of said Section 20; thence on the south line of said Section 20, North 89° 35' 04" West 2,664.39 feet, to the centerline of Columbus Street, said point being the Point of Beginning.

Containing 1.2290 acres, more or less, in the street right-of-way, and containing 82.7984 acres, more or less, of private property, with a total of 84.0274 acres, more or less.

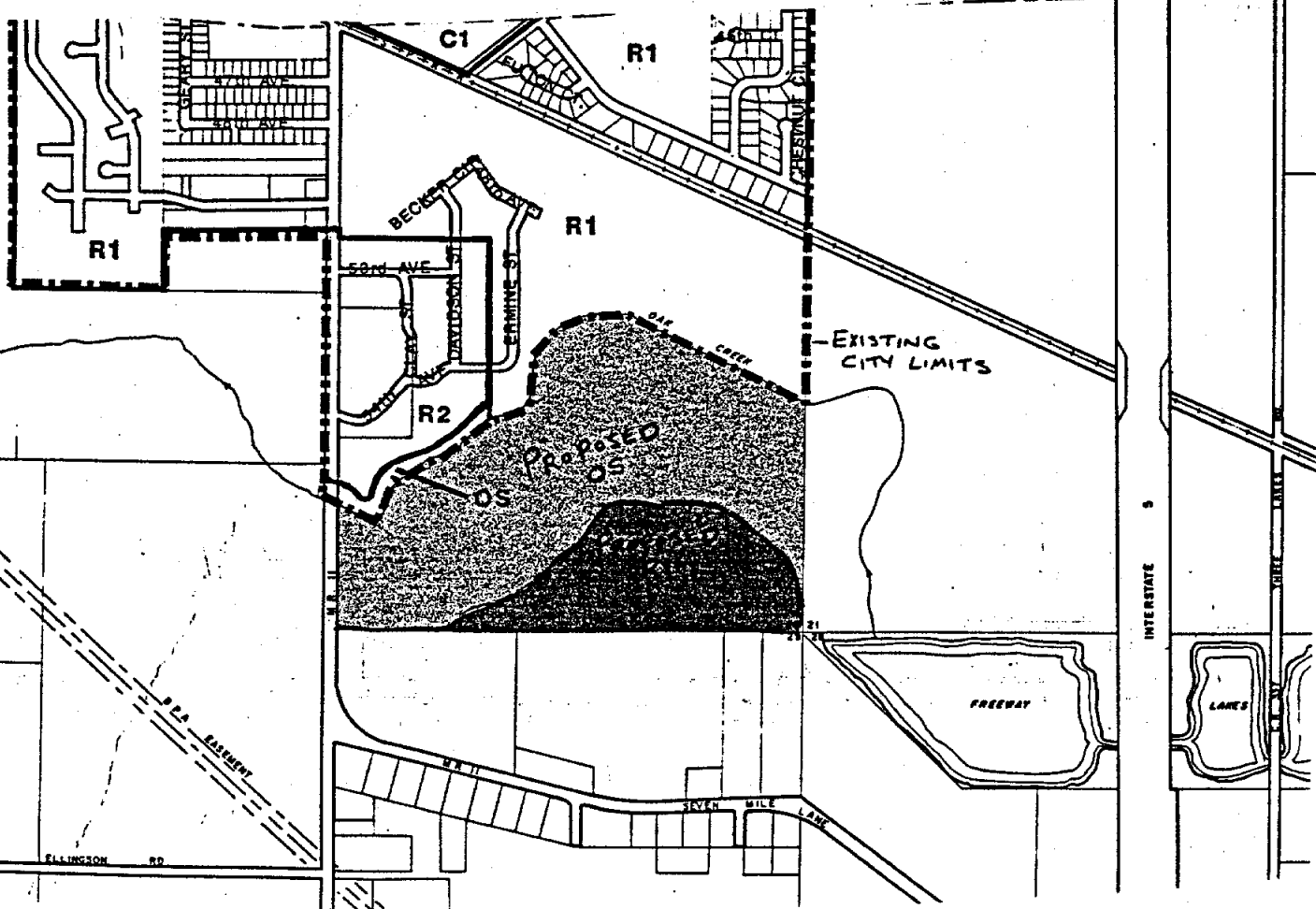


EXHIBIT B
STATEMENTS IN SUPPORT OF ANNEXATION
CASE NO. AN-02-91

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. 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.
5. The annexation of the subject property was initiated by 100% of the property owners and electors reside on the property; thus, annexation may occur without an election or public hearing under the provisions of ORS 222.125 and Albany Development Code Section 2.120.
6. The Albany Development Code Annexation Zoning Matrix (Section 2.120) providea for the application of the R-1 (Single Family Residential) zoning designation for properties with a Urban Residential Reserve Comprehensive Plan designation.
7. The proposed zoning designation of R-1 (Single Family Residential) 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 R-1 (Single Family Residential) 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.

INTERDEPARTMENTAL MEMORANDUM
Community Development Department

TO: Albany City Council
VIA: Steve Bryant, City Manager
FROM: Helen Burns Sharp, Community Development Director *HBS*
DATE: May 15, 1991 for the May 22, 1991 City Council Meeting
RE: Oak Creek Estates Annexation Request (File No. AN-02-91)

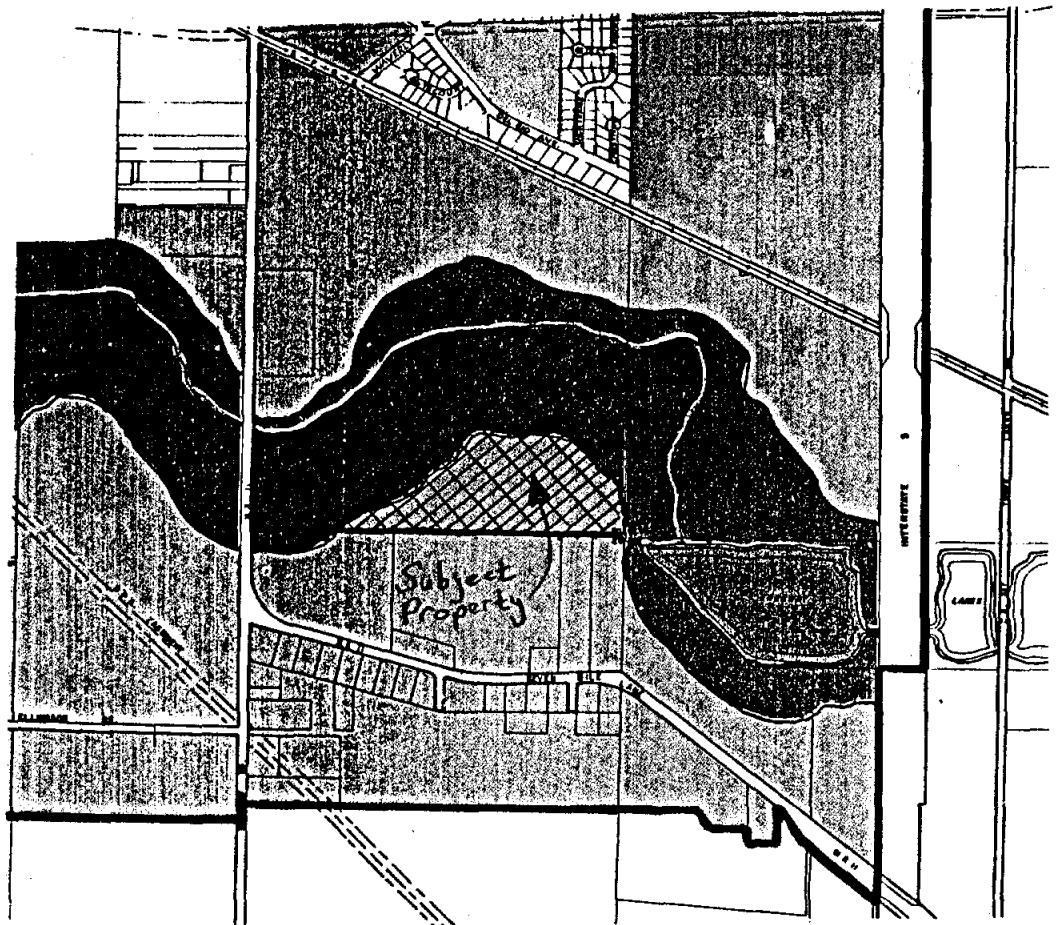
The City has received a 100% Consent Annexation request with a concurrent zoning designation of R-1 (Single Family Residential) from Oak Creek Estates by Albany Republic Corporation, Partner for the annexation of approximately 84 acres. The property is located east of Columbus Street SE, south of Oak Creek, and approximately 600 feet north of Seven Mile Lane SE. The proposed use is for a church and private school in the first phase. We have included in the proposed annexation boundary adjacent street rights-of-way. The total area involved in the annexation would be 84.0274 acres.

Revised Oregon law allows consent annexations to occur without an election or a public hearing 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. Since it is our practice to take these steps concurrently, staff recommends that the City Council annex the property and set a public hearing date of June 12, 1991, for the removal of the territory from the Albany Rural Fire Protection District.

In the case of a 100% Consent Annexation the City may establish the zoning classification within the annexation ordinance or resolution, and without notice or public hearings, in conformance with the subject area Comprehensive Plan designation and in accordance with the zoning matrix listed in Section 2.120 of the Albany Development Code. The requested zoning designation is in conformance with the Plan Designation of Urban Residential Reserve and the zoning matrix.

Respectfully submitted,

Helen Burns Sharp
Helen Burns Sharp
Community Development Director



CITY OF ALBANY
ANNEXATION STAFF REPORT
FILE NO. AN-02-91

GENERAL INFORMATION

Applicant: Oak Creek Estates by Republic Albany Corporation, Partner
Jimmie E. Taylor, Robert S. Powell, and David F. Lentz
2525 Santiam Highway SE
Albany, OR 97321

Type of Request: Annexation of approximately 84.0274 acres more or less (including street right-of-way).

Property Location: East side of Columbus Street, south of Oak Creek and approximately 600 feet north of Seven Mile Lane SE.

Assessor's Map & Tax Lot No.: 11-3W-20, Tax Lot 1516

Neighborhood: South Albany

Existing Comprehensive Plan Designation: Urban Residential Reserve and Open Space

Current Zoning Designation: Linn County UGM-20 (Urban Growth Management - 20 acre minimum)

Surrounding Zoning: To the north, inside the City Limits, OS (Open Space), R-2 (Limited Multiple Family Residential) and R-1 (Single Family Residential); to the south, east, and west across Columbus Street, inside the Urban Growth Boundary, UGM-20 (Urban Growth Management - 20 acre minimum).

Existing Land Use: Farm Land

Surrounding Land Use: To the north, the Mennonite Home Planned Unit Development; to the east, vacant property which is being farmed; to the south and west single family site-built homes on acreage parcels which are being farmed.

Proposed Zoning: R-1 (Single Family Residential) and OS (Open Space)

Background Information: Revised Oregon law allows consent annexations to occur without an election or a public hearing 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. Since it is our practice to take these steps concurrently, staff recommends that the City Council annex the property and set a public hearing date of June 12, 1991, for the removal of the territory from the Albany Rural Fire Protection District.

Reason for Annexation: The applicants wish to annex the subject property for the future development of a church and private school. The proposed use of the property will require a Conditional Use with concurrent Site Plan Review and may in the future based upon the conceptual plan require a Planned Unit Development approval.

AVAILABILITY OF URBAN SERVICES:

1. Sanitary sewer service can be extended from the Mennonite Home Planned Unit Development on the north side of Oak Creek. Sanitary sewer lines as defined in the Master Sanitary Sewer Plan will be required at the time of development of the site or assurances shall be made for the eventual construction of these line (Petition for Improvement/Waiver of Remonstrance). It is possible for the first phase of development to occur with an approved septic system as the sanitary sewer line is approximately 1,600 feet away.
2. At the time of development of the site, a 16-inch water line can be extended for the length of the property or assurances made for the eventual extension (Petition for Improvement/Waiver of Remonstrance). Public water line extensions must conform to the Albany Water Facility Plan's long term goals for the area. In addition, an interior looped public water system shall be installed which may be required to provide domestic and fire protection needs.
3. An on-site, piped, storm sewer collection system in conformance with the Albany Storm Sewer Plan shall be required at the time of development which shall be reviewed and approved by the City of Albany Engineering Department. Calculations must be submitted as a part of the Site Plan Review application showing that the existing drainage ditch and culvert are of adequate size to handle the storm drainage resulting from the proposed development.
4. 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 development occurs or assurances shall be made for the eventual construction of these lines (Petition for Improvement/Waiver of Remonstrance). If Fire hydrants and water mains are required, they shall be in place and operational prior to any on-site combustible construction.
5. The Albany Police Department will be able to provide service to the lots with no appreciable increase in costs at this time.
6. The following are transportation related concerns which must be addressed at the time of development of the property:
 - a. The Developer shall dedicate rights-of-way necessary along Columbus Street to meet current City standards for future street improvements. This may include necessary right-of-way to provide for a traffic channelization lane.
 - b. The Developer shall construct sidewalks meeting current City Standards on Columbus Street adjacent to the development.
 - c. Linn County will require a half street improvements (including curb and gutter) to be constructed to City specifications adjacent to Columbus Street at the time development occurs on the site.
 - d. Access to the property shall be limited to one on Columbus Street and a future access to Seven Mile Lane with future phases of the proposed development. These accesses may be required to be public streets.
 - e. No individual residential driveways shall be allowed to Columbus Street.

STATEMENTS IN SUPPORT OF ANNEXATION:

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. Annexation and zoning of the subject property are in conformance with the acknowledged Albany Comprehensive Plan.
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6. The Albany Development Code Annexation Zoning Matrix (Section 2.120) provides for the application of the R-1 (Single Family Residential) zoning designation for properties with a Urban Residential Reserve Comprehensive Plan designation.
7. The proposed zoning designation of R-1 (Single Family Residential) 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 R-1 (Single Family Residential) 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.

STAFF RECOMMENDATION: That the City Council adopt the Resolution annexing the subject property with a zoning designation of R-1 (Single Family Residential) and setting a public hearing for June 12, 1991, to remove the territory from the Albany Rural Fire Protection District.

