

A RESOLUTION PROCLAIMING THE ANNEXATION AND ZONING OF PROPERTY LOCATED 2705 PARK TERRACE SW (TAX LOT 2300, LINN COUNTY ASSESSOR'S MAP NO. 11-4W-13BD) AND CONTAINING APPROXIMATELY 31,798.8 SQUARE FEET (0.73 ACRES) AND SETTING A PUBLIC HEARING FOR THE REMOVAL OF TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT (CASE FILE NO. AN-01-96).

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 more commonly known as 2705 Park Terrace 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 February 14, 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 24TH DAY OF JANUARY, 1996.


Mayor

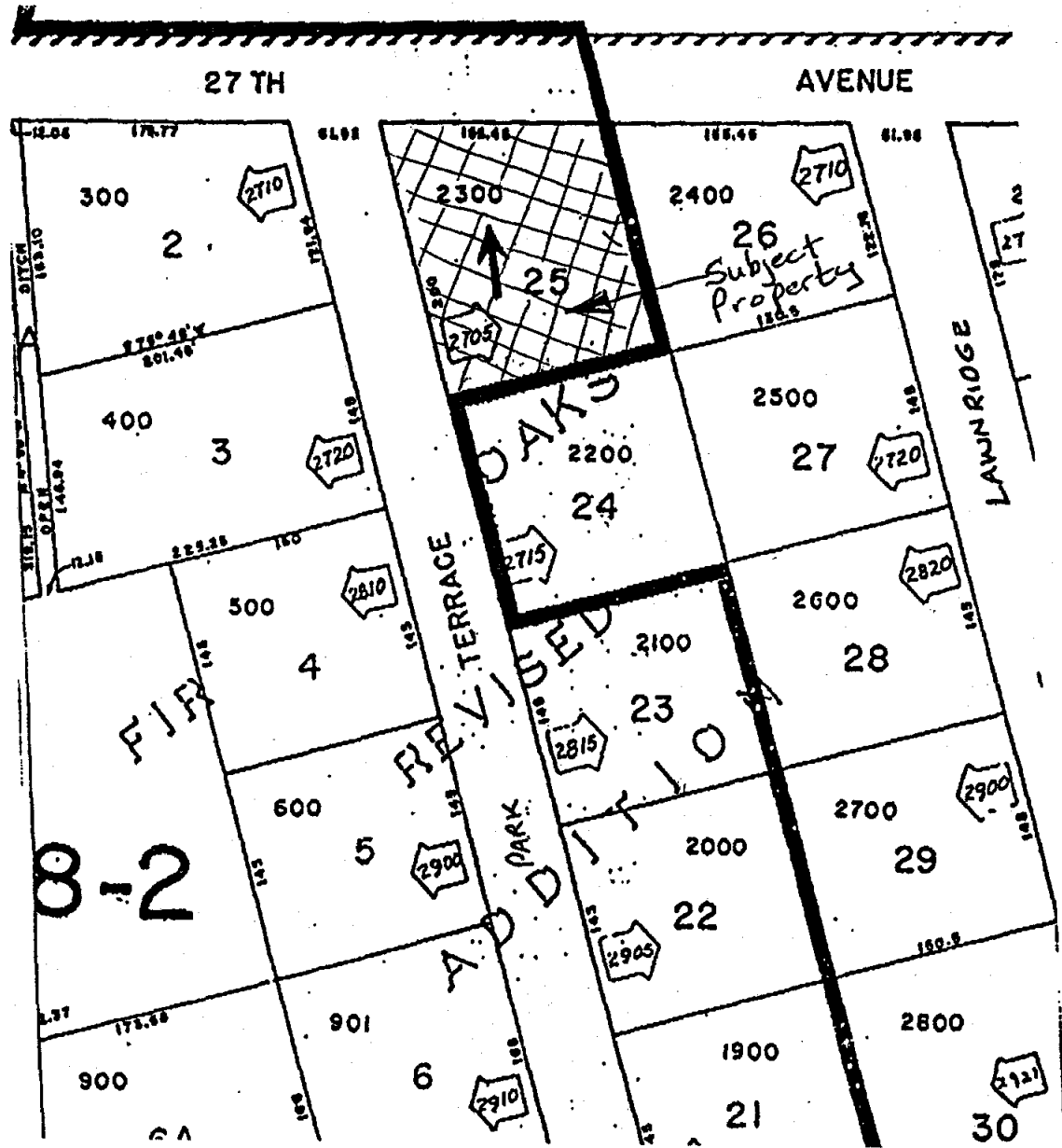
ATTEST:



City Recorder

EXHIBIT A
LEGAL DESCRIPTION
CASE NO. AN-01-96

Lot 25, Fir Oaks Revised Addition, To the City of Albany, Linn County, Oregon.



SUPPORTING STATEMENTS FOR 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. 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 an 8-inch main in Lawnridge Street which terminates approximately 130 south of 27th Avenue.

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

The applicants are currently connected to the sewer cleanout of property located at 2710 Lawnridge Street SW. This is a temporary solution to a health hazard situation and the applicants' septic drainfield had failed and there was raw sewage on the surface.

The applicants must extend the public sewer main in Lawnridge Street north to 27th Avenue and west along 27th Avenue to the east property line of the subject property.

The applicants must submit plans prepared by a registered engineer for the construction of the public sewer line by March 1, 1996. The line must be constructed to City Standards within 30 days of final plan approval by the City of Albany Engineering Division or by May 15, 1996 whichever occurs first.

- b. **Water.** Water utility maps indicate that public water service adjacent to this site consists of a 6-inch mains in Park Terrace and 27th Avenue adjacent the subject property. The applicants are currently connected to the public water system.
- c. **Storm Drainage.** Storm Drain utility maps indicate that public storm drainage adjacent to this parcel consists of a culvert and ditch on the north side of 27th Avenue.
- d. **Streets.** Park Terrace and 27th Avenue are local streets and both are not improved to City Standards (no curbs, gutters, or sidewalks).
- e. **Fire Protection.** The Albany Fire Department reports that the subject property is within the proper running distance of Station One for first-due Engine Company response.
- 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.
- h. **Parks.** The nearest existing park is either Takena Park located on 11th Avenue SW or Hazelwood Park located off Queen Avenue, west of Broadway Street.

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.

STAFF RECOMMENDATION: That the City Council adopt the Resolution annexing the subject property with a zoning designation of RS-6.5 (Residential Single Family) with the conditions (1) that the applicants must submit plans prepared by a registered engineer for the construction of the public sewer line by March 1, 1996 and (2) that the sanitary sewer line be constructed to City Standards within 30 days of final plan approval by the City of Albany Engineering Division or by May 15, 1996 whichever occurs first and setting a public hearing for February 14, 1996, to remove the territory from the Albany Rural Fire Protection District.

