

AN ORDINANCE ESTABLISHING POLICIES AND PROCEDURES FOR ANNEXATION OF LAND TO THE CITY OF ALBANY.

WHEREAS, annexation is the first step in converting urbanizable lands to urban land within the Albany Urban Growth Boundary and, as such, annexation is an important part of the process of providing for timely and orderly urban growth; and

WHEREAS, annexation and subsequent development may provide economic and social benefits to the City of Albany through the creation of housing, business and commercial enterprise, creation of construction and permanent jobs, and expansion of the City's tax base; and

WHEREAS, state law permits cities to annex upon proper petition and consent from the owners and electors of the territory in question; and

WHEREAS, the City must determine that the territory proposed for annexation is eligible to be annexed; and

WHEREAS, the City must determine that the wisdom of the timing of any proposed annexation is appropriate when considering the extent to which municipal services and infrastructure can be logically, economically, and efficiently provided; and

WHEREAS, the amendment to Section 54 of the City Charter regarding voter approval of annexation does not divest the Albany City Council from its legislative role to determine the wisdom of the timing of annexation, but rather the charter amendment requires the concurrence of the electorate in a legislative decision with the City Council to approve any proposed annexation.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

SECTION 1: ANNEXATIONS GENERALLY

- A. Purpose. When annexations are properly timed, they may allow for the orderly expansion of city boundaries and may contribute to logical extensions of public infrastructure.
- B. Election Required. Following the Albany City Council's legislative determination to set the matter for a citywide vote, annexation (delayed or otherwise) may only be approved by a prior majority vote among the electorate.
- C. Application for Annexation. The petitioner for annexation must complete the application form provided by the Planning Division of the Community Development Department. Application procedures, including application materials, fees, and filing deadlines, shall be established by resolution of the City Council.

SECTION 2: REVIEW CRITERIA

- A. Eligibility Criteria. The City Council shall determine that property is eligible for annexation based on the following criteria:
 - 1. The property is contiguous to the existing city limits.
 - 2. The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.

- B. **Timeliness Criteria.** The City shall determine that it is timely to annex property based on the following criteria:
1. An adequate level of urban services and infrastructure is available, or will be made available in a timely manner.
 - a. "Adequate level" means conforms to adopted plans and ordinances.
 - b. "Urban services" means police, fire, and other City-provided services.
 - c. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.
 - d. "Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided in a logical, economical, and efficient manner. Improvements for needed infrastructure may be secured by a development agreement or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.
 2. Sufficient planning and engineering data have been provided, and all necessary studies and reviews have been completed such that there are no unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. It may not be timely to annex property if the appropriateness of the proposed use could be altered by plans or studies that are underway, or are needed, to update, clarify, or provide additional specificity to the Comprehensive Plan, background reports and studies. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.
 3. The City shall attempt to discourage islands or enclaves of unincorporated territory surrounded on all sides by the City.
 4. The City Council may consider, at its discretion, any other factor which affects the timeliness or wisdom of any particular annexation petition.

SECTION 3: CITY COUNCIL REVIEW

- A. **Public Hearing Required.** The City Council shall conduct a public hearing on an annexation petition. Individual notice shall not be required. Instead, one notice shall be published in the Albany Democrat-Herald at least two weeks prior to the hearing. The property will be posted at least thirty days prior to the hearing.
- B. **City Council Decision.** Following the close of the hearing, the City Council may determine whether it is timely to annex eligible property.
1. The decision to approve the annexation and set an election shall be at the discretion of the City Council and shall be approved/authorized by resolution. If approved/authorized, the matter shall be placed before the voters of the City in the manner prescribed by resolution of the City Council.
 2. The City Council may deny an annexation petition based on its legislative determination that the annexation is not timely or is unwise. An annexation petition denied by the City Council will not be set for an election.

SECTION 4: STATE-MANDATED ANNEXATIONS

- A. State Mandate. The City shall annex those areas constituting a state-declared health hazard in accordance with state law, taking into consideration the ability of the City to provide necessary services. The City shall also annex any other areas mandated by state law.
- B. Election Not Required. State-mandated annexations are not subject to voter approval.

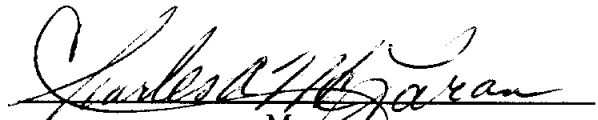
SECTION 5: PROCEDURES FOLLOWING ELECTION

- A. Proclamation of Annexation. If the annexation is approved by the electorate, the Albany City Council by ordinance shall set the final boundaries of the area to be annexed by a legal description of the annexation boundary and proclaim the annexation in accordance with state law.
- B. Filing of Annexation Records. The City shall report all changes in the boundaries of the City to the County Clerk, County Assessor, and the Secretary of State as required by state law.

Passed by Council: 5-27-98

Approved by Mayor: 5-27-98

Effective Date: 6-26-98



Mayor

ATTEST:



City Recorder

F:\DATA\WPDATA\COMMDEV\PLANNING\LRANGE\ANNEX\ANNEX527.ORD