

RESOLUTION NO. 4004

THE CITY COUNCIL OF THE CITY OF ALBANY resolves that the findings contained in Exhibit A (which consists of the complete staff report to the Albany City Council, including attachments, and dated August 12, 1998; File AN-08-97), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that the Goldfish Farm Road annexation, which would annex approximately 4.9 acres of property generally located north of Santiam Highway SE and south of Knox Butte Road SE, all within Linn County, Oregon, to be zoned CC (Community Commercial), is to be submitted to the legal voters of Albany, Oregon, for their approval or rejection pursuant to Albany City Charter Chapter 54 at an election to be held on November 3, 1998. This election will be conducted by polling at designated polling locations or by mail-in ballots.

The ballot title of this measure and the form in which it shall be printed on the official ballot is as follows.

**CAPTION:** A MEASURE PROPOSING ANNEXATION OF PROPERTY ADJOINING GOLDFISH FARM ROAD

**QUESTION:** Shall the 4.91-acre property adjoining Goldfish Farm Road be annexed?

**SUMMARY:** Approval of this measure would annex approximately 4.91 acres to the City of Albany. The property to be annexed is north of Santiam Highway SE and south of Knox Butte Road SE. Upon annexation, the property would be zoned CC (Community Commercial).

The text of the measure is as follows:

The following described real property, all located in Linn County, Oregon, shall be annexed to the City of Albany upon obtaining a favorable majority vote of the people.

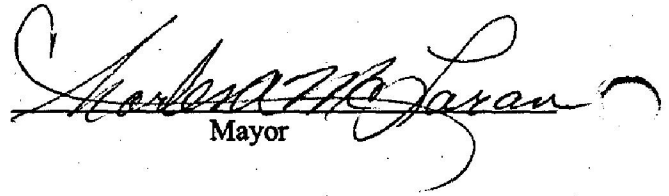
“A portion of the Northeast 1/4 of Section 9 and the Northwest 1/4 of Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, (including three parcels of land; Tax Lots 300, 301, and 400 as shown on Linn County Assessor’s Map page 11 3W 9A) more particularly described as follows: Beginning at the Southwest corner of the Hugh Nickerson D.L.C. Number 39 in the Northwest 1/4 of Section 10, Township 11 South, Range 3 West of the Willamette Meridian and on the centerline of Goldfish Farm Road; thence North along the West line of the Hugh Nickerson D.L.C. Number 39 and the centerline of Goldfish Farm Road 760.98 feet; thence South 89°55’ West 20.00 feet to the TRUE POINT OF BEGINNING and the West right-of-way line of Goldfish Farm Road; thence South 89°55’ West 1300.00 feet; thence South 165.00 feet; thence North 89°55’ East 1300.00 feet to the West right-of-way line of Goldfish Farm Road; thence North 165.00 feet along the West right-of-way line of Goldfish Farm Road to the point of beginning.”

4.91 acres

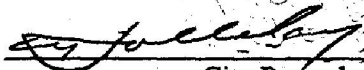
892 Goldfish Farm Road SE and 880 Goldfish Farm Road SE (Assessor’s Map No. 11S-03W-09A, Tax Lots 300, 301 and 400)

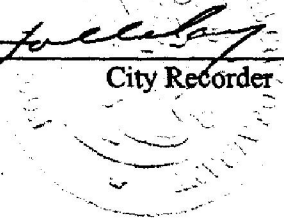
The City Recorder is authorized and directed to give notice of the submission of this question to the voters, including a true copy of the complete text and the ballot title for the measure in the form in which it shall be printed on the official ballot and any other information required by law to be published. That notice shall be published in not less than two successive and consecutive weekly issues of the *Albany Democrat-Herald*.

DATED THIS 19TH DAY OF AUGUST 1998.

  
Mayor

ATTEST:

  
City Recorder





**Community Development Department**

333 Broadalbin Street SW, PO Box 490, Albany OR 97321 Phone: (541) 917-7550 Facsimile: (541) 917-7573

**STAFF REPORT  
Annexation**

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<b>REVIEW BODY</b>	ALBANY CITY COUNCIL
<b>MEETING DATE</b>	Wednesday, August 19, 1998
<b>MEETING TIME</b>	5:00 p.m.
<b>MEETING LOCATION</b>	Albany City Hall Council Chambers, 333 Broadalbin Street SW

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**GENERAL INFORMATION**

**DATE OF REPORT:** August 12, 1998

**FILE:** AN-08-97

**TYPE OF REQUEST:** Annexation of three parcels totaling 4.91 acres.

**REVIEW BODY:** City Council

**PROPERTY OWNER(S):** Robert B. and Verona E. Martinak (sellers); 892 Goldfish Farm Road SE; Albany OR 97321  
Eula M. Kassa, Trust (seller); 880 Goldfish Farm Road SE; Albany OR 97321

**APPLICANT:** Dona and Harold Bates (option holders); 38033 Weirich Drive SE; Lebanon OR 97355

**APPLICANT REP:** Brian Downs dba CE/Western Engineering; 1025 Bain Street SE; Albany OR 97321

**ADDRESS/LOCATION:** 892 Goldfish Farm Road SE and 880 Goldfish Farm Road SE

**MAP/TAX LOT:** Linn County Assessor's Map No. 11S-03W-09A, Tax Lots 300, 301, and 400 (Annexation, Zoning)

**ZONING:** Currently Linn County UGM-CH (Urban Growth Management--Heavy Commercial prior to annexation) (Tax Lots 300, 301, and 400); Upon annexation, City of Albany CC (Community Commercial) (Tax Lots 300, 301 and 400).

**TOTAL LAND AREA:** 4.91 acres

**EXISTING LAND USE:** Residential (Single family residences on Tax Lots 300 & 400; Tax Lot 301 is vacant)

**EXISTING COMP**

**PLAN DESIGNATION:** General Commercial  
**NEIGHBORHOOD:** East Albany

**SURROUNDING ZONING:** To the west, northwest and southwest, RS-6.5 (Residential Single Family); to the north, UGM-5 (Urban Growth Management-5-acre minimum lot size with an Urban Growth Management Overlay zoning designation of UGM-CH); to the east, across Goldfish Farm Road, UGM-20 (Urban Growth Management-20-acre minimum lot size); to the south, CH (Heavy Commercial).

**SURROUNDING USES:** To the west, northwest and southwest, a regional city park (Timber Linn); to the north, a 3.71-acre parcel which contains an auto repair business; to the southeast, across Goldfish Farm Road, two single family residences, one on a 0.54-acre parcel, and the other on a 4.96-acre parcel, and a manufactured home on a 14.04-acre parcel; to the northeast, a single family subdivision with lots primarily an acre in size; and to the south, the existing recreational vehicle park containing 100 spaces.

**PROPOSED ZONING:** CC (Community Commercial). The "Plan Designation Zoning Matrix" (Page 131, City of Albany Comprehensive Plan) shows zoning district C-2 (now CC-Community Commercial) as compatible with the General Commercial Plan designation.

**REASON FOR ANNEXATION**

The applicants wish to expand the existing Blue Ox RV Park by constructing an additional 50 spaces and a 2,853 square foot "indoor-pool" building. On August 11, 1998, the Planning Staff granted tentative approval for a conditional use application that would allow this development on 3.02 acres of the 4.91 acres proposed for annexation. The 1.89 acres to the west of the proposed development will remain vacant; any development on this property would require a new land use application. The conditional use approval is contingent on ratification of the annexation by the City Council and the voters.

**FINDINGS AND CONCLUSIONS  
FILE AN-08-97**

**INTRODUCTION**

On May 27, 1998, the City Council adopted policies and procedures for voter approved annexation. The ordinance spells out the eligibility and timeliness criteria that the City Council must deem are met before they refer an annexation request to the voters.

Listed below are findings and conclusions which address the review criteria. *Review criteria are listed in bold italics.*

**REVIEW CRITERIA**

**ELIGIBILITY CRITERIA:**

- A. The property is contiguous to the existing city limits.***

**Finding of Fact:**

1. The subject parcels make up a total of 4.91 acres located on Goldfish Farm Road approximately 1,500 feet north of Highway 20. The properties are contiguous to the city limits along the southern boundaries of tax lots 301 and 400. Abutting properties to the north and east (across Goldfish Farm Road) are not within the city limits.

**Conclusion:** This criterion is met.

- B. The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.***

**Finding of Fact:**

2. The Urban Growth Boundary generally follows Scrael Hill Road approximately 4,600 feet east of Goldfish Farm Road; therefore, the subject parcels are well within the Urban Growth Boundary.

**Conclusion:** This criterion is met.

**TIMELINESS CRITERIA:**

- A. 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.***

## Findings of Fact:

### Sanitary Sewer

3. Sanitary sewer utility maps indicate that public sanitary sewer in the vicinity of the subject properties consists of 8-inch mains within the existing RV park, south of the site. This public system that runs through the RV park is connected to the 12-inch public main in Price Road by an 8-inch main along Blue Ox Drive. The existing mains within the RV park are relatively shallow, and though they are capable of serving the subject property, it is unlikely that any properties other than those directly abutting the subject property would be able to extend and connect to these mains. The City's Wastewater Master Plan indicates that properties adjacent to Goldfish Farm Road are intended to be served by future extensions of major mains from the west on Highway 20, and from Price Road just south of Timber Linn Lake.

### Water

4. Water utility maps indicate that public water in the vicinity of the subject properties consists of a 24-inch main in Goldfish Farm Road, terminating at the southeast corner of Tax Lot 500 (the existing Blue Ox RV Park). The City's Water System Facility Plan indicates the need for a 24-inch main on Goldfish Farm Road from Highway 20 to Knox Butte Road.
5. Development on this site would require the extension of the 24-inch public water main in Goldfish Farm Road to the northernmost boundary of the property (approximately 600 feet). If the site is developed as an expansion to the RV park, it could get its domestic water service through a single water meter, with private interior plumbing. Fire protection within the development would require the extension of a public water main, with fire hydrants located as required by the Albany Fire Department.

### Storm Drainage

6. Storm drain utility maps indicate that public storm drainage adjacent to this site consists of roadside ditches along Goldfish Farm Road. The existing RV park south of the subject property collects its storm water runoff in a private storm drain system, which flows into a ditch along Blue Ox Drive, and ultimately discharges into Cox Creek near Price Road, west of the development. The applicant is proposing to collect storm water within the expansion by an extension of the private storm drain system from the existing RV park. The runoff from the expansion will be collected on the site and flow through the storm piping within the existing RV park, and follow the same path to Cox Creek. The City's Storm Drainage Master Plan indicates that there are no system deficiencies downstream of the development site.
7. Although the applicant's proposal is to expand the existing RV park and extend the private storm water collection system into the expansion, there is nothing to prevent submittal of a proposal for a different use in the future should the annexation be approved. Should the property be annexed and ultimately developed independently of the existing RV park, storm drainage from the site could not be drained through the RV park's private system, and the site's drainage would likely need to go to Goldfish Farm Road. It would be the responsibility of an applicant to show that the ditches along Goldfish Farm Road could accommodate a particular proposal. Any work within the Goldfish Farm Road right-of-way will require a permit from the Linn County Road Department.

### Transportation

8. The proposed annexation is being processed concurrently with a conditional use application (CU-16-97) that proposes the site utilize Price Road and Blue Ox Drive for access. Price Road is designated as a Major Collector Street and is improved to city standards with a travel lane in each direction, bike lanes, and curb, gutter, and sidewalk. Blue Ox Drive is located within Timber Linn Park and is improved with a travel lane in each direction, but does not have bike lanes or curb, gutter, or sidewalk. The use currently proposed for the site would generate approximately 195 vehicle trips per day. Both streets have adequate capacity to accommodate development of the site.
9. The development's east boundary abuts Goldfish Farm Road. Goldfish Farm Road is not constructed to city standards, has an existing right-of-way width of 40 feet, and is under the jurisdiction of Linn County. A conditional use application has been submitted by the applicant for use of the site as an expansion of the Blue Ox Recreational Vehicle Park. The expansion does not propose any direct access to Goldfish Farm Road, although a emergency vehicle access to the roadway currently exists within the existing park, and a second emergency vehicle access on Goldfish Farm Road is proposed for the expansion. The site plan submitted by the applicant proposes dedication of 15 feet of right-of-way along Goldfish Farm Road to accommodate the ultimate right-of-way width of 70 feet. Although no access to Goldfish Farm Road is currently being requested, there is nothing to prevent submittal of a proposal for a different use in the future should the annexation be approved. Development of the property independently of the existing Blue Ox Recreational Park would necessitate providing vehicle and pedestrian access from Goldfish Farm Road, rather than Price Road and Blue Ox Drive.
10. Linn County and the Oregon Department of Transportation are currently in the process of designing street and turn lane improvements to Goldfish Farm Road from Highway 20 to a point approximately 600 feet south of the proposed annexation. Construction of these improvements was a condition of both the Linn County Fair/Expo Center and ODOT's Maintenance Yard. In the event that this annexation is approved and development plans for the parcel change, it is likely that an extension of transportation improvements from the site south 600 feet to the planned County/ODOT improvements will be required for development of the site.

### Police and Fire

11. Because the subject properties are contiguous to the city limits, and properties on the west side of Goldfish Farm Road both north and south of this site are served, police service to these properties would be a logical extension of the current patrol boundaries.
12. Development on this site would require the extension of public water mains on Goldfish Farm Road and into the site, to provide adequate flows for fire suppression.

Conclusion: This criterion is met.

- B. ***Sufficient planning and engineering data has 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.***

Findings of Fact:

13. The City's Comprehensive Plan is in Periodic Review. Work tasks include a buildable lands inventory and needs assessments for residential and commercial and industrial lands.
14. This annexation request is relatively small (4.91 acres). The Comprehensive Plan Map designation is General Commercial. The Albany Development Code (ADC 2.570) states that upon annexation, the zoning of properties with a Comprehensive Plan designation of General Commercial will become zoned CC (Community Commercial). This zoning seems appropriate in this area, given existing commercial land use and the 1995 East I-5 Vision Study.

Conclusion: This criterion is met.

- C. *The City shall attempt to discourage islands or enclaves of unincorporated territory surrounded on all sides by the City.*

Finding of Fact:

15. Annexation of the subject properties would not create an island or enclave of unincorporated territory surrounded by the City.

Conclusion: This criterion is met.

- D. *The City Council may consider, at its discretion, any other factor which affects the timeliness or wisdom of any particular annexation petition.*

Finding of Fact:

16. There are no other factors which affect the timeliness or wisdom of this particular annexation petition.

Conclusion: This criterion is met.



RM-5

ZONING MAP  
FILE AN-08-97

RM-5

Oryx St

KNOX BUTTE ROAD

LI

6.5

TIMBER ST

Glover Ct  
Violet Ct  
Ridge Ct  
Empire Ct

EXISTING  
CITY LIMITS



Dogwood Ave.

TIMBER LAKE

Timber Linn Memorial P.

RS-6.5

SUBJECT  
PROPERTY

Existing Blue Ox  
RV Park

CH

7th St

CHRISTOPHER AVENUE

QUALITY ST

COX CREEK

Blue Ox Dr

CH

COX

CREEK

HIGHWAY 20

CH

CH

**LEGAL DESCRIPTION**

**FILE AN-08-97**

A portion of the Northeast  $\frac{1}{4}$  of Section 9 and the Northwest  $\frac{1}{4}$  of Section 10, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, (including three parcels of land; Tax Lots 300, 301, and 400 as shown on Linn County Assessor's Map page 11 3W 9A) more particularly described as follows:

Beginning at the Southwest corner of the Hugh Nickerson D.L.C. Number 39 in the Northwest  $\frac{1}{4}$  of Section 10, Township 11 South, Range 3 West of the Willamette Meridian and on the centerline of Goldfish Farm Road; thence North along the West line of the Hugh Nickerson D.L.C. Number 39 and the centerline of Goldfish Farm Road 760.98 feet; thence South  $89^{\circ}55'$  West 20.00 feet to the TRUE POINT OF BEGINNING and the West right-of-way line of Goldfish Farm Road; thence South  $89^{\circ}55'$  West 1300.00 feet; thence South 165.00 feet; thence North  $89^{\circ}55'$  East 1300.00 feet to the West right-of-way line of Goldfish Farm Road; thence North 165.00 feet along the West right-of-way line of Goldfish Farm Road to the point of beginning.

## **NOTICE OF RECEIPT OF BALLOT TITLE CITY OF ALBANY**

Notice is hereby given that on August 20, 1998, the City elections' officer received a ballot title for a prospective measure. The ballot title as submitted by the City Attorney is as follows:

### **CAPTION**

A measure proposing annexation of property adjoining Goldfish Farm Road

### **QUESTION**

Shall the 4.91-acre property adjoining Goldfish Farm Road be annexed?

### **SUMMARY**

Approval of this measure would annex approximately 4.91 acres to the City of Albany. The property to be annexed is north of Santiam Highway SE and south of Knox Butte Road SE. Upon annexation, the property would be zoned CC (Community Commercial).

The prospective measure has been found to meet the requirement found in Section 1(2)(d), Article IV of the Oregon Constitution, the single subject requirement. Pursuant to ORS 250.296, an elector may file a petition for review of the ballot title and/or single subject requirement with the Linn County Circuit Court not later than the 7<sup>th</sup> business day after the title is filed with the City elections officer (August 31, 1998, 5:00 p.m.). The petition must state reasons the title is insufficient, not concise, or unfair. The elector filing the petition must be sure written comments address specific legal standards required by law. (ORS 250.035 and ORS 250.039)

Betty Langwell  
City Clerk

PUBLISH: August 24, 1998

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