

RESOLUTION NO. 4005

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-01-98), and by this reference incorporated herein, are hereby adopted.

THE CITY COUNCIL OF THE CITY OF ALBANY FURTHER RESOLVES that the Broadway Street annexation, which would annex approximately 4.79 acres of property generally located south of Queen Avenue SW and north of 27th Avenue SW, all within Linn County, Oregon, to be zoned RS-6.5 (Single Family Residential), 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 BROADWAY STREET

QUESTION: Shall the 4.79-acre property adjoining Broadway Street be annexed?

SUMMARY: Approval of this measure would annex approximately 4.79 acres to the City of Albany. The property to be annexed is south of Queen Avenue SW and north of 27th Avenue SW. Upon annexation, the property would be zoned RS-6.5 (Single Family Residential).

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.

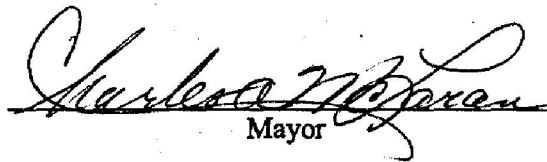
"A parcel of land consisting of that Chapin Tract described by document recorded in Volume MF 920, Page 435 of the Linn County Deed Records on February 6, 1998, that is more particularly described as follows: Beginning at the southwest corner of that Linn County Oregon Tract described by deed recorded in Book 122, Page 193 of the said deed records, which point being North 89°40'19" West 781.59 feet and North 10°48'00" East 413.49 feet and North 89°54'43" West 30.00 feet from the southeast corner of the George Cline Donation Land Claim No. 84 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, which point being on the south line of said Chapin Tract; thence North 10°48'00" East 313.39 feet to the northwest corner of said Linn County Oregon Tract, which point being on the north line of said Chapin Tract; thence North 89°53'19" West 751.18 feet to the northwest corner of said Chapin Tract; thence South 16°01'48" East 320.86 feet to the southwest corner of said Chapin Tract; thence South 89°54'43" East, along the south line of said Chapin Tract, 603.85 feet to the Point of Beginning. Containing 4.79 acres of land, more or less."

4.79 acres

2540 Broadway Street SW (Assessor's Map No. 11S-04W-13B, Tax Lot 4200)

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.

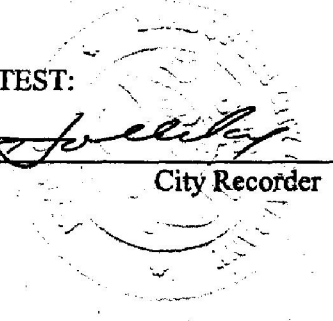


Mayor

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**

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

GENERAL INFORMATION

DATE OF REPORT: August 12, 1998

FILE: AN-01-98 (formerly AN-09-97)

TYPE OF REQUEST: Annexation of a 4.79-acre parcel.

(The applicants have indicated they would make application to develop a 22-lot subdivision if this annexation is approved. Staff would review any future development plans, with notification to adjoining property owners.)

REVIEW BODY: City Council

OWNER/APPLICANT: Richard A. and Cheryl A. Chapin

ADDRESS/LOCATION: 2540 Broadway Street SW

MAP/TAX LOT: Linn County Assessor's Map No. 11S-04W-13B, Tax Lot 4200

ZONING: Currently: Linn County UGM-5 (Urban Growth Management-5-acre minimum lot size); proposed: City of Albany RS-6.5 (Residential Single Family)

TOTAL LAND AREA: 4.79 acres

EXISTING LAND USE: Residential (one single-family residence and one single-family manufactured home in the southeast corner of the parcel)

EXISTING COMP PLAN DESIGNATION: Urban Residential Reserve (URR)

NEIGHBORHOOD: West Albany

SURROUNDING ZONING: City RS-6.5 to the east; County UGM-5 on north, south and west.

SURROUNDING USES: Residential on all sides, except along east boundary (across Broadway Street), where there is an undeveloped portion (approximately 11.5 acres zoned RS-6.5) of a large parcel, partly developed as the U.S. Government's Albany Research Center (formerly Bureau of Mines).

FINDINGS AND CONCLUSIONS
FILE AN-01-98

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 that 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 property is a 4.79-acre parcel located on Broadway Street approximately 2,000 feet south of Queen Avenue and 400 feet north of 27th Avenue. The property is contiguous to the city limits along its east boundary. Abutting properties to the north, west, and south 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.***

Findings of Fact:

2. The Calapooia River forms the western extent of the Urban Growth Boundary in this area. The subject property lies within the Urban Growth Boundary, approximately 450 feet east of the Calapooia River at its closest point.

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. "Urban services" means police, fire, and other city-provided services.***
- b. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.***
- c. "Adequate level" means conforms to adopted plans and ordinances.***
- 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:

Water

3. Water utility maps indicate that an 8-inch public water main runs along the property's frontage within the Broadway Street right-of-way. The water system is looped along Broadway Street, Queen Avenue, Liberty Street, and 27th Avenue, but some 6-inch and 4-inch lines make up the loop on the south end of Broadway Street and the west end of 27th Avenue. The City's Water System Facility Plan indicates the need for the existing 4-inch and 6-inch lines in 27th Avenue and Broadway Street to be replaced with an 8-inch main.
4. Pacific Power & Light constructed the public water system in this area in the mid-1960's. Many of the properties that are currently outside of the city limits on the west side of Broadway Street, including the subject property, were connected to public water prior to the City's purchase of the water system. The City's policy regarding new connections to public utilities is that the properties desiring connection must be annexed.
5. The existing water system is capable of serving the domestic needs of the property. The nearest fire hydrant is located on Broadway Street approximately 500 feet north of the subject property. It is likely that development of the property as indicated by the applicant would require the construction of an 8-inch public water main through the site and the installation of two fire hydrants.

Sanitary Sewer

6. Sanitary sewer utility maps indicate that the nearest public sanitary sewer is located on Broadway Street approximately 350 feet north of the subject property. The sewer main is deep enough to be extended to and through the site, and can likely be extended as far as Park Terrace to the south. The applicant would be required to extend an 8-inch public sanitary sewer main from the existing manhole north of the site to the property's south boundary along Broadway Street. In addition, an 8-inch public main extension through the site would be necessary to serve all lots within the proposed subdivision, as well as provide public sewer access to adjacent parcels.
7. All properties on the west side of Broadway Street south of the subject parcel do not have access to the public sanitary sewer system and are currently served by private septic systems (if developed).

Storm Drainage

8. Storm drain utility maps indicate that public storm drainage facilities in the vicinity of this site consist of shallow roadside ditches along Broadway Street. On the west side of Broadway Street the ditch is insignificant. A larger ditch runs along the east side of Broadway Street, carrying storm water southward to a 12-inch pipe that crosses 27th Avenue, and continues south through a private parcel into another shallow ditch to Cox Creek.
9. The applicant's conceptual proposal to construct a 22-lot subdivision with approximately 1,000 feet of public street improvement would require a storm drainage plan showing how the storm water run-off from the site would be accommodated. It is possible to drain the property to the Calapooia River west of the site or to Oak Creek to the south (via the existing route of the Broadway Street ditch and 12-inch storm drain piping), but both of these options would require the acquisition of easements from private property owners as well as some type of public storm system improvements. Broadway Street is currently under the jurisdiction of Linn County and, as such, any storm drainage improvements within the Broadway Street right-of-way will require approval of Linn County.

Transportation

10. Currently the right-of-way width of Broadway Street is 60 feet from Queen Avenue to its terminus at 27th Avenue. The pavement width is approximately 22 feet, providing for a vehicle travel lane in each direction. The street does not have curb, gutter, sidewalk, or gravel or paved shoulders.
11. The majority of this portion of Broadway Street is not currently in the city limits and is under the jurisdiction of Linn County.
12. The portion of Broadway Street from Queen Avenue to its terminus at 27th Avenue is classified as a "local" street in the City's adopted Transportation System Plan (Figure 5.1.1-1).
13. This portion of Broadway Street is not shown as deficient on the map in the Transportation System Plan (TSP) showing "existing roadway needs" (Figure 2.2.1-1). This map indicates deficiencies only for collector and arterial streets and does not include possible deficiencies on local streets.
14. This portion of Broadway Street is not shown as part of the "future pedestrian network" in the TSP (Figure 5.4.1). Liberty Street from Queen Avenue south to 24th Avenue is included. Liberty Street is one block east of Broadway Street. The TSP does not refer to possible deficiencies on local streets.
15. This portion of Broadway is not shown in the "future bike network" in the TSP (Figure 5.3-1). Liberty Street from Queen Avenue south to 24th Avenue is included. The TSP does not refer to possible deficiencies on local streets.
16. When property along Broadway is annexed, urban development can occur. When development proposals are submitted, the City can attach conditions of approval requiring curb, gutter and sidewalk along the frontage of the property.
17. The three desirable links of sidewalk in this area are along this entire stretch of Broadway, at 27th Avenue from Broadway to Liberty, and at Liberty Street from 27th to 24th. Destination points include a convenience store and transit stop on Queen and Liberty Elementary School on Liberty Street at 24th Avenue. These improvements would normally be made as properties with frontage on the corridors develop or redevelop or as part of a local improvement district. However, the City may require applicants for new subdivisions to provide pedestrian access to neighborhood activity centers within one-half mile of the development (ADC 12.040). The activity centers listed above are within one-half mile of the subject property. This analysis is done as part of the review of a development application, such as a subdivision. One potential option for bicycle and pedestrian access to the schools might be a path from Broadway Street to Liberty Street that would align with 24th Avenue.
18. Construction of these three pedestrian links is complicated by the fact that most of the construction would be off-site from the parcel that is the subject of this annexation request. The combination of city and county road jurisdiction and the lack of city standard street construction in the area would also hamper construction. Pedestrian facilities constructed in advance of curb, gutter and drainage improvements must be temporary in nature and often face serious grade and drainage constraints.

Police & Fire Protection

19. The extension of public water mains into the site will provide the Fire Department with fire suppression capabilities for the property. Extension of the necessary water mains to provide fire flows will be a condition of development.

20. Because the subject property is contiguous to the city limits and because properties on the east side of Broadway Street as well as properties on the west side of Broadway Street approximately 200 feet north of this site are served, police service to these properties would be a logical extension of the current patrol boundaries.

Conclusion: This criterion is met

- B. *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.***

Findings of Fact

21. 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.
22. This annexation request is relatively small (4.79 acres). The Comprehensive Plan Map designation is Urban Residential Reserve (URR). The Comprehensive Plan states that, absent a zone change request, URR land becomes zoned RS-6.5, low-density single family residential zone, upon annexation. This zoning seems appropriate, given surrounding land uses.

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

23. Annexation of the subject parcel will not create an island or enclave of unincorporated territory. See attached zoning map (Exhibit B).

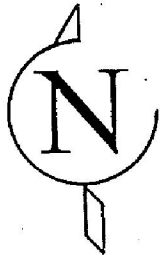
Conclusion: This criterion is met.

- 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

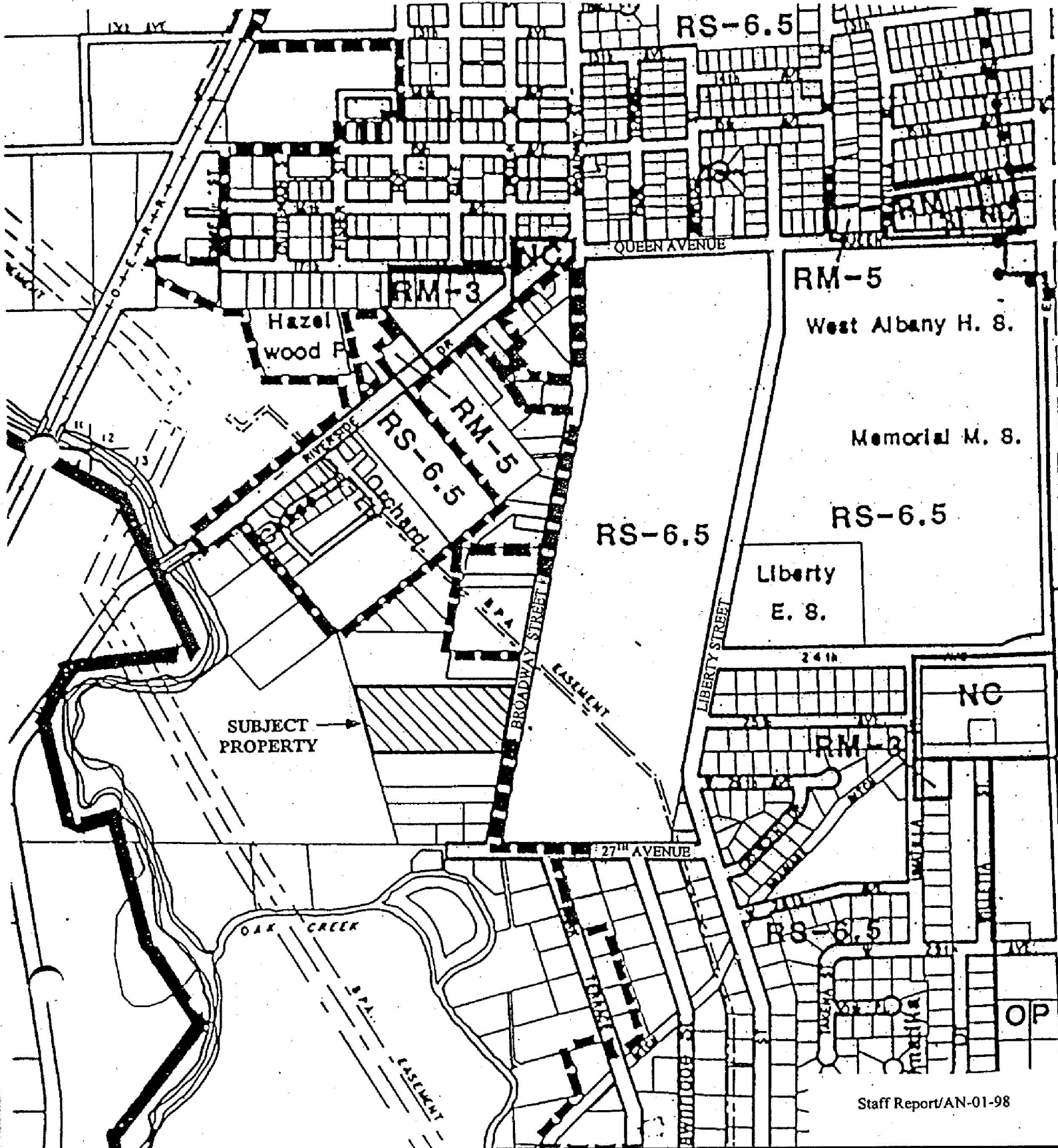
24. There are no other factors that affect the timeliness or wisdom of this particular annexation petition.

Conclusion: This criterion is met.



ZONING MAP
FILE AN-01-98

EXISTING
CITY LIMITS



LEGAL DESCRIPTION
FILE AN-01-98

Legal Description of 2540 Broadway (11S-04W-13B, Tax Lot 4200)

A parcel of land consisting of that Chapin Tract described by document recorded in Volume MF 920, Page 435 of the Linn County Deed Records on February 6, 1998 that is more particularly described as follows:

Beginning at the southwest corner of that Linn County Oregon Tract described by deed recorded in Book 122, Page 193 of the said deed records, which point being North 89°40'19" West 781.59 feet and North 10°48'00" East 413.49 feet and North 89°54'43" West 30.00 feet from the southeast corner of the George Cline Donation Land Claim No. 84 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon, which point being on the south line of said Chapin Tract; thence North 10°48'00" East 313.39 feet to the northwest corner of said Linn County Oregon Tract, which point being on the north line of said Chapin Tract; thence North 89°53'19" West 751.18 feet to the northwest corner of said Chapin Tract; thence South 16°01'48" East 320.86 feet to the southwest corner of said Chapin Tract; thence South 89°54'43" East, along the south line of said Chapin Tract, 603.85 feet to the Point of Beginning. Containing 4.79 acres of land, more or less.

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 Broadway Street

QUESTION

Shall the 4.79-acre property adjoining Broadway Street be annexed?

SUMMARY

Approval of this measure would annex approximately 4.79 acres to the City of Albany. The property to be annexed is south of Queen Avenue SW and north of 27th Avenue SW. Upon annexation, the property would be zoned RS-6.5 (Single Family Residential).

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 7th 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

###