

ORDINANCE NO. 4354

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 115.17 ACRES OF PROPERTY LOCATED SOUTH OF THE ALBANY-SANTIAM CANAL, WEST OF LOCHNER ROAD AS M-2 LIGHT INDUSTRIAL ZONING, AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

WHEREAS, the Planning Commission of the City of Albany has recommended that a certain territory described in Section 1 of this Ordinance which is contiguous to the City of Albany be annexed and that more than 50% of the owners of the property in said area who own more than 50% of the land and real property therein and representing more than one-half of the assessed value of the real property therein have consented in writing to the annexation, said consent having heretofore been filed with the City Recorder in the matter prescribed by law; and

WHEREAS, the City Council by Ordinance No. 4339-A adopted on the 13th day of February, 1980, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 27th day of February, 1980, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

WHEREAS, notices of said public hearing were published and posted in the manner and for the time prescribed by law and the public hearing was duly held by and before the City Council as provided by law and by the terms of said Ordinance and the published notice, and it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

WHEREAS, the City Council has based its decision on facts and conclusions stated in accordance with the findings on file with the City Recorder which are adopted by separate motion and incorporated by reference herein for the annexation and zoning of this property and which are hereby adopted as findings of the Council; now, therefore,

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

Section 1: The following described property to-wit:

(See attachment)

(11-3W-19; Tax Lots 100, 300, 104, 105)

(See Exhibit "B" attached hereto and by this reference incorporated herein)

is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as M-2 Light Industrial.

Section 2: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 3: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4339-A and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation, report this annexation to the County Clerk and to the County Assessor Linn County, Oregon.

Passed by the Council: March 26, 1980

Approved by the Mayor: March 26, 1980

Effective Date: April 25, 1980

Richard S. Olsen  
Mayor

ATTEST:

  
City Recorder

SCHMIDT et al, ANNEXATION REQUEST  
FINDINGS RELATIVE TO LCDC GOALS AND GUIDELINES

GENERAL FINDINGS:

The Oregon LCDC goals and guidelines are applied and implemented through a city comprehensive plan. This application is in compliance with the city of Albany proposed comprehensive plan in that it complies with each of the LCDC goals and, most important, provides needed additional industrial land that will allow Albany to carry out its "PROPOSED ECONOMIC POLICIES" discussed under LCDC goal 2.

This application for annexation/subdivision of a large parcel to smaller light industrial sites complies with the city of Albany proposed comprehensive plan zoning since an early version identified this property for heavy industrial M-3 use and subsequent version(s) called for a combination of M-3 and M-2 uses. The property is currently zoned "Urbanizing General Industrial" (UGI) in the county.

There is currently considerable demand for small parcels of industrial property with full services, however, there is a limited amount available.

There are approximately 146 acres of undeveloped M-2 and M-3 land within the City of Albany. Of the 146 acres, 61 acres is not for sale leaving 85 acres available for development. Fourteen of the total acres are zoned M-3 leaving 71 acres zoned M-2 that is available.

There are an estimated 43 acres zoned M-2 in the City that are comparable in size and have equivalent services to the proposed subdivision.

The conclusion follows there is a scarcity of M-2 land available in the city. The demand and activity in the real estate market for small parcels of industrial zoned land supports this conclusion. Without land available, Albany can not expect to satisfy its stated policy to encourage industry and business to locate in Albany and help stabilize our local economy.

SUMMARY OF ALBANY INDUSTRIAL LAND AVAILABLE

	<u>Acres</u>
Total M-2 and M-3 Acres Undeveloped	146
M-2 Acres available for Development	132
Less 61 Acres not for Sale	61
Net M-2 available for development	71
M-2 Available that is Comparable	43

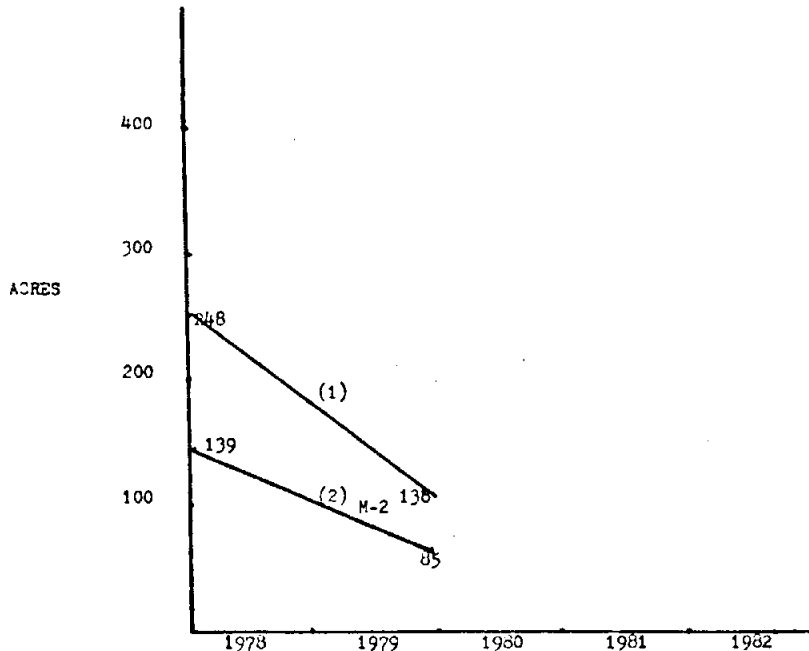
Public need would best be met by classifying this property Light Industrial (M-2) as proposed in the Comprehensive Plan. The location of this property, proximity to existing industry, and existence of local natural barriers all indicate the best use of this property is for industrial development.

The proposed annexation agrees with the goal statements of the Comprehensive Plan. The Plan indicates that "Urban lands are presently or likely to be served within the planning period." This area is currently served by urban facilities and is designated urbanizable and not rural or agricultural.

Further justification for approval is the anticipated increased demand for small parcels to accommodate light industrial "satellite" or "support" industry that will be created with the development of the newly annexed 293 acres near Ellingson Road to the South. The Ellingson Road property is intended to be used by large, clean industries in a PUD type development. Any large industry does create support and supplier type businesses that need office and warehouse space in close proximity. This property will fill that need.

A

URBAN INDUSTRIAL ACRES AVAILABLE  
figure 1



- |                 |                           |
|-----------------|---------------------------|
| (1) Millersburg | Available Now - 138 Acres |
|                 | Sold 78/79 - 110 Acres    |
| (2) Albany M-2  | Available Now - 85 Acres  |
|                 | Sold 78/79 - 54 Acres     |

SPECIFIC FINDINGS RELATED TO LCDC GOALS  
SCHMIDT ANNEXATION REQUEST TO THE CITY OF ALBANY

GOAL 1- CITIZEN INVOLVEMENT

Citizen Involvement is provided through the notice and hearings procedures of the City. The Planning Department is required under Section 19.04 of the Albany zoning and land use regulations to mail written notices to all property owners within 500 feet of the subject property, informing them of the time, date, place and nature of the hearing. Further, newspaper publication is also required, notifying the general public of the hearing.

GOAL 2 - LAND USE PLANNING

The City is in the process of land use planning. This is needed to update its existing comprehensive plan and meet the LCDC compliance schedule. However, this request complies with the current goal statements and policies of the comprehensive plan which was adopted prior to LCDC. Further justification for exception to LCDC Goal 3 follows:

Part II - Exceptions:

The definite and demonstrable need to convert Class I, II, and III land to urban use within the City of Albany proposed urban growth boundary is addressed herein. This submittal complies with the requirements of the State Land Conservation and Development Commission (LCDC) ADMINISTRATIVE RULE "CITY ANNEXATIONS - and APPLICATION OF GOALS WITHIN CITIES" as well as LCDC Goal 2 Part II - Exceptions. This request for exception is to LCDC goal 3 - "To preserve and maintain agricultural lands"; specifically item(5) the retention of Class I, II, III, and IV soils in farm use.

Compelling Reasons and Facts Pertaining to Request:

- (A) Why industrial use of this land should be provided - Albany, Oregon is an industrial town with considerably more than the average amount of existing industry for a town of comparable size in Oregon. Consequently, there is a need and

14

demand for more industrial land than in comparable size towns. Additionally, the economy and employment of Albany is oriented to industrial supplied jobs/income and the need to maintain a base of related job skills. Opportunity for more industry to come to Albany would only enhance the Albany economy by providing more jobs and therefore a larger employment base that would push unemployment down and help stabilize and maintain Albany residents median income. This need for more industrial land is further supported by the City of Albany "PROPOSED ECONOMIC POLICIES". The city's goals and germane general policies are quoted as follows:

GOALS:

1. To strengthen Albany's position as the economic center of the region.
2. Create a strong and stable economic base.
3. Reduce unemployment.
4. Maintain the median income of Albany's residents at or near State levels.

GENERAL POLICIES:

1. Encourage the expansion of existing industry and business.
2. Diversify the local economy beyond the three existing major industrial sectors (rare metals, food products, lumber and wood products).
3. Encourage business and industry to locate within the City limits to increase their proportional share of City taxes so that residents pay a smaller proportion of City taxes.
5. Provide for orderly and diverse economic growth by designating lands in suitable locations for future commercial and industrial development.
6. Encourage economic development which utilizes the comparative advantages of the community.

EMPLOYMENT:

1. Encourage business and industry to locate in Albany that will employ Albany's labor force.

COORDINATION:

1. 4.b work with economic development interests to assist them with information regarding location or expansion in Albany.

These City of Albany proposed economic goals and policies cannot be achieved without suitable and adequate property being available in Albany to attract new business and industry or local expansion.

There is not currently enough industrially zoned property in Albany to satisfy current or even near term future demands for industrial land. There are now 85 acres of M-2 zoned land available of which only 43 acres are comparable to the proposed subdivision.

There have been 54 acres of M-2 sold in Albany within the last two years. At this rate the available industrial M-2 land in Albany will be totally depleted during 1982.

These figures do not account for many other requirements by industrial users that would be provided by this annexation such as location relative to existing industry, railroad access (there is no property with siding access available in Albany now), improvements, isolation, opportunity to locate adjacent to sub-contractors and associated contractors etc.

This subdivision also provides various parcel sizes that are very much in demand and not available in Millersburg. Lack of availability of small parcel size alone will force expanding local business and industry to locate further out in the county and use more agriculture land that may be less suitable for urban use.

Further, the immediate need to change the use of this property before July 1980 is to avoid losing this construction season and therefore a year of development. There are currently three concerns that, subject to city approval, plan to develop their facilities in Phase 1 as soon as weather permits in the spring of 1980. If this annexation were not approved before July 1980, this construction season will be lost and the years delay would certainly force the concerns

A,

to locate elsewhere possibly not in Albany. The nature of these businesses are:

1. Solar Panel Fabrication
2. Electrical Service Contractor
3. Construction Contractor
4. Others that have expressed interest and are waiting outcome of this application.

The above demonstrated need certainly outweighs any possibly conceived reason to maintain this property as very marginal rye grass land. The only reason it is farmed now is to generate revenue to defray the taxes. Farm income will not pay the taxes.

This subdivision is proposed over a ten year period in four Phases. The farmland will only be displaced as the Phases are completed, therefore, 110 acres are not being displaced, but only an acre at a time as the parcels are developed.

- (B) What alternative locations within the area could be used?

This area adjoins heavy industrial users and is in an area that is predominately industrial. There are no other alternative locations available within the proposed urban growth boundary for an industrial subdivision that would not displace farmland.

- (C) What are the long term environmental, economic, social and energy consequences if goal 3 is not met ie., farmland used for industrial use ?

Environmental - No adverse effects if all users comply with local, state, and federal laws.

Social - All the positive affects realized by higher employment due to more jobs and a broader economic base for the City of Albany. Albany has historically been a relatively high unemployment area. This subdivision will provide for industrial use that will create an estimated 225 to 900 additional jobs in Albany.

Energy - No adverse effects. Positive effects of employment being close to town, requiring short commuting distance. Use of this land for industrial subdivision will allow energy efficient solar panels to be constructed in Albany.

- (D) Proposed uses will be compatible -

Some of the proposed uses are combination office and shop areas for small businesses such as electrical contractors, metal fabricators, and solar panel fabricators. Storage, distribution, and wholesale activities will be conducted here as well. These uses are all compatible with adjacent heavy industry. Many uses will work with adjoining industry as sub-contractors and/or support contractors where close proximity is very important.

All of the above facts and conclusions clearly demonstrate that this annexation/subdivision approval for urban use is needed before the formal approval of the urban growth boundary can be accomplished. That approval is scheduled for July 1980, but is likely to be delayed considerably.

I request that the City Planning Staff recommend and the City Planning Commission approve this property within the proposed urban growth boundary for urbanization as an exception to LCDC goal 3, ie., to preserve and maintain agricultural lands.

#### GOAL 3 - AGRICULTURAL LANDS

This property is comprised of Class I, II, and III soils as determined by the USDA Soils Conservation Service. Approximately 35% is Concord: Class III W, 30% Woodburn: Class II E, 30% Amity: Class II W, and 5% Willamette: Class I. This property is currently vacant except for one rental residence and one industrial installation. This area has been determined, through the process of developing the approved Preliminary Urban Growth Boundary, to be industrial rather than agricultural use. Small and irregular areas of this property can, however, produce marginal crops of rye grass and oats.

A

GOAL 4 - FOREST LANDS

The area is currently not in forest production. The small size, soil type, and location within the Preliminary Urban Growth Boundary does not lend the property to commercial forest production.

GOAL 5 - OPEN SPACE, SCENIC AND HISTORIC AREA, AND NATURAL RESOURCES

There is no evidence that the area is of ecological or scientific significance nor is it a historic, cultural, wilderness or scenic area as defined by the Land Conservation and Development Commission Goals and Guidelines. There are no known mineral or aggregate resources on or beneath the property. The soil types found on the property are not suitable for energy sources on the property. This area is not a fish habitat. Rodents and small game may frequent the brushy area adjacent to Oak Creek, particularly the area to the South of this property. The existing trees and cover will remain, wherever possible, during development.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY

Conversion of the subject property to urban use would not have a significant impact on the air, water or land resource quality of the Albany area. Albany currently meets Department of Environmental Quality air standards. All Pollutants comply with standards as determined by D.E.Q. monitoring (D.E.Q. annual report 1977). The envisioned industrial development would not create excessive pollutants. Waste water generated by future industry in the area would be routed into existing sewer lines and processed at the sewage treatment facilities. Runoff would be channeled into the existing storm drainage system to Oak Creek. If a future use were to produce an unanticipated pollutant, either noise, air, or water, this property is well situated to control, contain/dispose of any such pollutants.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Based on information provided by the June, 1971 Corp of Engineers publication, FLOOD PLAIN INFORMATION, Willamette River, Calapooia

River, Oak Creek, Albany, Oregon, a small percentage of this property is within the 100 year flood plain of Oak Creek. Approval to fill the area of the proposed site that is within the 100 year floodplain to a buildable height of one foot over floodplain (maximum 3 feet above what it is now) has been granted by Linn County. This amount of fill will have minimal effect on the flood water level due to the flood plain being extremely wide and unrestricted. The subject property, like all of Linn County and major portion of Oregon, is in a Zone 2 Seismic risk category. Zone 2 indicates the possibility of moderate damage. This corresponds to VII on the Mercalli scale or 5.5 to 6.1 on the Richter scale (very strong: general alarm, walls crack, plaster falls ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY 1974). The area is not indicated as being subject to mass movement or slope related hazards.

GOAL 8 - RECREATIONAL NEEDS

This property has not been designated as needed or desirable for recreational or open space in any known City document. Existing recreational facilities should not be adversely affected.

GOAL 9 - ECONOMY OF THE STATE

The requested annexation could have a positive long term impact on the state's economy. The availability of this property could attract new and diversified industry to the state and certainly to the City of Albany. The addition of ninety acres within the City will provide availability of developable land to industry that could not otherwise locate here and produce considerable employment opportunity for the Albany labor market.

GOAL 10 - HOUSING

By providing more jobs, this subdivision will create more demand for housing, therefore enhancing the Albany economic base.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Sewer capacity is adequate and available to the east to service this area. Water can also be extended to the area. Consumer power now services the property. A natural gas mainline crosses the property.

A

Area schools should not be impacted by this industrial subdivision. The Albany fire district now serves the area. In addition to Albany police protection, many industrial users option to hire local merchant police for additional protection.

GOAL 12 - TRANSPORTATION

The major mode of transportation which will be impacted by the proposed annexation and future development is the public road system. Marion Street to the north is developed to City standards and is adequate to handle this addition. Lockner Road to the south is paved to County standards and adequate to handle any additional traffic. Internal streets will be developed to standards that satisfy goal number 12. Rail access is available on the north end of the subdivision.

GOAL 13 - ENERGY CONSERVATION

The annexation and development of the subject property would, by virtue of its location close to urban services, be more energy efficient than development further from these services. Energy expended in travel and construction of the extension of public facilities would be less in this location than other locations farther from the central area and availability of services. Natural gas and consumer power are available on the property.

GOAL 14 - URBANIZATION

The property is within the approved Preliminary Urban Growth Boundary. Public services such as water and sanitary sewer are available to service the area. Because of its location in relation to surrounding urbanized and urbanizing patterns, the annexation of this property would constitute an orderly extension of public facilities. As this property is located well within the Preliminary Urban Growth Boundary, there would be no potential conflict between this development and rural/agricultural uses outside the boundary. Albany is and has been historically a cyclical and relatively high unemployment area. This subdivision will provide for industrial use that will create an estimated 225 to 900 additional jobs in Albany.

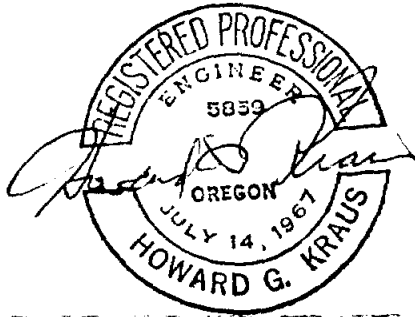
A



Sec. 19 T.11S. R.3W. W.M.

Marion Industrial  
Park Revised Description  
3/26/80

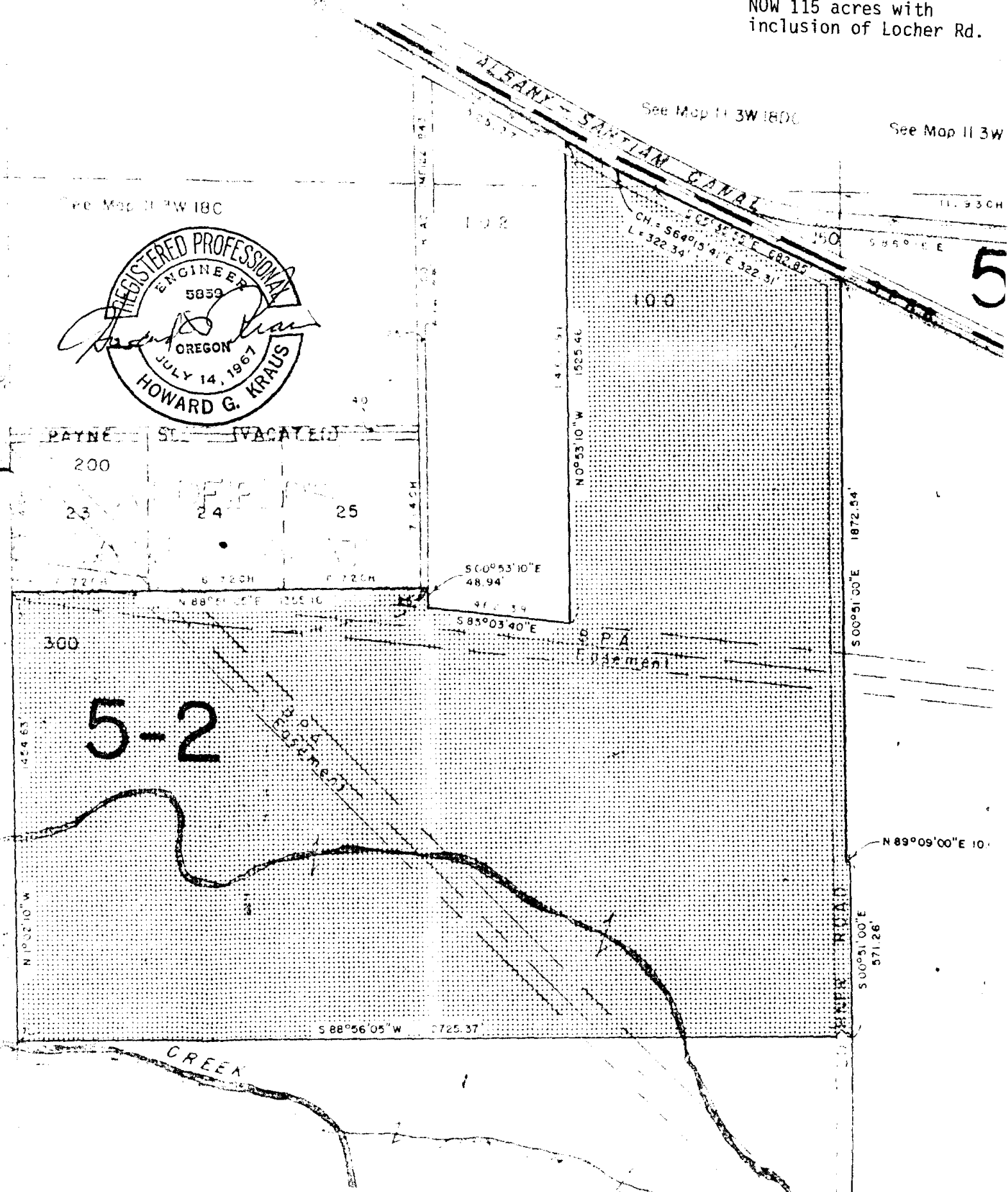
NOW 115 acres with  
inclusion of Locher Rd.



ALBANY - SANTIAGO CANAL

See Map 11 3W 1800

See Map 11 3W



5

HOWARD G. KRAUS, P.E.  
RICHARD DALKE, P.E.



**KRAUS & DALKE**  
CONSULTING ENGINEERS

276 N.W. HICKORY STREET  
NORTH ALBANY CENTER  
POST OFFICE BOX 725  
ALBANY, OREGON 97321

TELEPHONE 603-928-2583

Marion Industrial  
Park Revised Description  
3/26/80

March 26, 1980

79-76

MARION INDUSTRIAL PARK

East 1/2 Section 19, T.11S., R.3W., W.M.

Linn County

Description

Parcel A

Beginning at a point on the East right-of-way line of Lockner Road; said point being 30.00 feet North  $88^{\circ} 34' 35''$  East and 1133.99 feet North  $00^{\circ} 51' 00''$  West of the Southeast corner of the Truett Davis Donation Land Claim No. 54 in Township 11 South, Range 3 West of the Willamette Meridian in Linn County, Oregon; running thence South  $88^{\circ} 56' 05''$  West 2725.37 feet; thence North  $01^{\circ} 02' 10''$  West 1454.63 feet to a 3/4 inch iron pipe; thence North  $88^{\circ} 56' 05''$  East 1355.16 feet to a 3/4 inch iron pipe; thence South  $00^{\circ} 53' 10''$  East 48.94 feet to a 5/8 inch iron rod; thence South  $85^{\circ} 03' 40''$  East 462.39 feet; thence North  $00^{\circ} 53' 10''$  West 1525.46 feet to a point on the Northerly right-of-way of County Road No. 346; thence on a non-tangent 6905.52 foot radius curve left (the chord of which bears South  $64^{\circ} 15' 41''$  East 322.31 feet) 322.34 feet along the Northerly right-of-way line of County Road No. 346; thence South  $65^{\circ} 35' 55''$  East 682.85 feet along the Northerly right-of-way line of County Road No. 346; thence South  $00^{\circ} 51' 00''$  East 1872.54 feet along the East right-of-way line of Lockner Road to a 5/8 inch iron rod; thence North  $89^{\circ} 09' 00''$  East 10.00 feet along the East right-of-way line of Lockner Road to a 5/8 inch iron rod; thence South  $00^{\circ} 51' 00''$  East 571.26 feet along the East right-of-way line of Lockner Road to the Point of Beginning.

Containing 115.17 acres.

DK:jg