

This ordinance
is recorded
10-7-81 with

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 198 ACRES OF PROPERTY LOCATED IN SOUTH ALBANY, SOUTH OF 34TH AVENUE AND EAST OF HIGHWAY 99E AS M-3, M-2, AG, R-2, AND R-1(8), 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. 4426 adopted on the 11th day of June, 1981, which 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 24th day of June, 1981, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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:

11-3W-19A-400, 11-3W-18C-300, 11-3W-19-200, 402, 403, 405, 406, 407, 409, 410, and 411;

(See Pages A-7 and A-8 of Exhibit K attached hereto for legal metes and bounds and by this reference incorporated herein)

is hereby proclaimed to be annexed to the City of Albany, Oregon, and zoned as M-3, M-2, AG, R-2, and R-1(8) (See Exhibits H, L, M, N, O, and P for legal metes and bounds for each zoned area) subject to the condition that the applicant dedicate an easement fifty (50) feet in width to the City from the east-west border of the AG-zoned area.

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: After the effective date of this ordinance, the City Recorder shall submit to the Secretary of State of the State of Oregon and the Oregon State Department of Revenue a transcript of the annexation proceedings, a copy of this ordinance, a copy of Ordinance No. 4426, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days after the transcript has been filed with the Secretary of State of the State of Oregon, report this annexation to the County Clerk and to the County Assessor of Linn County, Oregon.

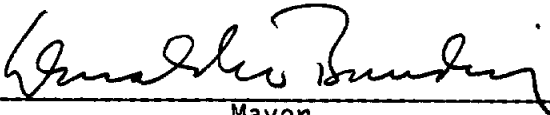
Section 4: That the property described in Section 1 hereof shall be effectively annexed to the City of Albany on the date that the condition noted in Section 1 has been met and upon the date that the complete abstract of the annexation proceedings as specified in Section 3 of this ordinance is filed with the Secretary of State of the State of Oregon when both events shall occur.

Passed by the Council: June 24, 1981


Approved by the Mayor: June 24, 1981

Effective Date of this Ordinance: July 24, 1981

Effective Date of this Annexation: July 23, 1981
(date filed with Oregon Secretary of State)

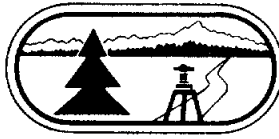

Mayor

ATTEST:


City Recorder

Timberland

ENGINEERS · SURVEYORS

**McCullough**

FORESTERS · PLANNERS

1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

Legal Description

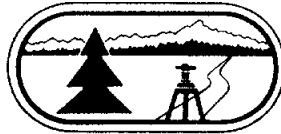
OREMET ANNEXATION LEGAL DESCRIPTIONS - ZONING BOUNDARIES

111.49 Acre Tract (M-3 Zone)

Beginning at the intersection of the easterly right-of-way of the Southern Pacific Railroad and the southerly right-of-way of 34th Avenue, said point also being North 89°-11'-31" East 1415.45 feet and South 0°-09'-26" West a distance of 44.00 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South, and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence South 0°-09'-26" West along said easterly right-of-way a distance of 1887.08 feet to a 5/8" iron rod; thence North 89°-11'-31" East 1313.76 feet to a 5/8" iron rod; thence South 0°-49'-32" East 676.58 feet to a 3/4" iron pipe at the southwest corner of Lot 23 of REDFIELD'S LAND PLAT to said Linn County, thence North 89°-08'-55" East along the south line of said REDFIELD'S LAND PLAT 1329.95 feet to 5/8" iron rod on the westerly right-of-way of Marion Street; thence North 0°-41'-03" West along said westerly right-of-way 1041.73 feet to a 5/8" iron rod at the southeast corner of that certain described tract in microfilm records Volume 40 and Page 872 of the Linn County Deed Records; thence South 89°-18'-57" West 400.00 feet to a 5/8" iron rod at the southwest corner of said tract; thence North 0°-41'-03" West along the west line of said tract 749.33 feet to a 5/8" iron rod at the southeast corner of that certain described tract of land in microfilm records Volume 40 and Page 873; thence along the south line of said parcel on a 367.00 foot radius curve left a distance of 242.95 feet (the long chord of which bears North 42°-59'-20" West 238.54 feet); thence North 61°-56'-58" West 211.36 feet to a 5/8" iron rod; thence northwesterly along a 397.00 foot radius curve right a distance of 77.49 feet (the long chord of which bears North 56°-21'-28" West 77.37 feet) to a 5/8" iron rod; thence North 50°-45'-58" West 115.88 feet to a 5/8" iron rod on the southerly right-of-way of the Southern Pacific Railroad right-of-way; thence North 61°-56'-58" West along said southerly right-of-way 773.59 feet to the southerly right-of-way of said 34th Avenue; thence South 89°-11'-31" West 1040.67 feet to the true place of beginning.

Kenneth M. Wightman
 Kenneth M. Wightman, PLS

June 18, 1981

Timberland**McCullough**

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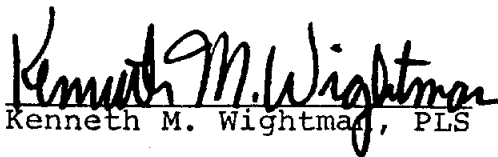
1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

Legal Description

OREMET ANNEXATION LEGAL DESCRIPTIONS - ZONING BOUNDARIES

32.85 Acre Tract (M-2 Zone)

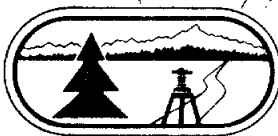
Beginning at a 5/8" iron rod on the easterly right-of-way of the Southern Pacific Railroad property, said rod also being North 89°-11'-31" East 1415.45 feet and South 0°-09'-26" West a distance of 931.08 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence North 89°-11'-31" East a distance of 1313.76 feet to a 5/8" iron rod; thence South 0°-49'-32" East 1276.58 feet to a 5/8" iron rod at the southwest corner of Lot 9 of the MARION INDUSTRIAL PARK to said Linn County; thence North 85°-49'-40" West 264.92 feet to a 5/8" iron rod; thence North 68°-52'-43" West 1130.00 feet to the easterly right-of-way of the Southern Pacific Railroad property as described in Book 57 and Page 399 of the Linn County Deed Records; thence North 0°-09'-26" East along said east line 200.00 feet to a 5/8" iron rod; thence North 89°-50'-34" West 16.00 feet; thence North 0°-09'-26" East 631.42 feet to the true place of beginning.


Kenneth M. Wightman, PLS

June 18, 1981

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1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

Legal Description

ORMET ANNEXATION LEGAL DESCRIPTIONS' - ZONING BOUNDARIES

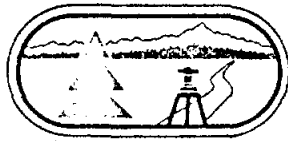
23.91 Acre Tract (Agricultural District)

Beginning at the southeast corner of that certain described tract of land in Book 57 and Page 399 of the Linn County Deed Records, said point more particularly being described as being North 89°-11'-31" East 1385.45 feet and South 0°-09'-26" West 3382.00 feet and South 89°-50'-34" East 46.00 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence South 53°-07'-57" East a distance of 500.00 feet to a 5/8" iron rod; thence South 64°-02'-09" East 1038.47 feet to a 5/8" iron rod on the east line of west one-half of said DLC No. 38; thence North 0°-49'-32" West along said division line 948.27 feet to a 5/8" iron rod at the southwest corner of Lot 9 of MARION INDUSTRIAL PARK to Linn County; thence North 85°-49'-40" West 264.92 Feet to a 5/8" iron rod; thence North 68°-52'-43" West 1130.00 feet to the east line of said Southern Pacific Railroad Property; thence South 0°-09'-26" West 620.00 feet to the true place of beginning.

Kenneth M. Wightman
 Kenneth M. Wightman, PLS

June 18, 1981

Timberland



McCullough

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1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

May 4, 1981

Transition Metals Corporation

LEGAL DESCRIPTION

15.49 Acre Tract (easterly portion with plant)

Beginning at a 5/8" iron rod on the south line of that certain described tract in Deed 336 and Page 719 of the Linn County Deed Records, said point also being South 0° 51' 15" East 1330.90 feet and North 89° 11' 31" East a distance of 709.40 feet from the northwest corner of the Truett Davis Donation Land Claim No. 38 in Township 11 South and Range 4 West of the Willamette Meridian in Linn County, Oregon; and running thence along said south line North 89° 11' 31" East a distance of 622.60 feet to the westerly right-of-way of the Southern Pacific Railroad; thence North 0° 09' 19" East along said westerly right-of-way 988.08 feet to a 5/8" iron rod set at the southeast corner of that certain described tract of land in Book 277 and Page 328 of the Linn County Deed Records; thence North 76° 44' 17" West along the south line of said tract 659.39 feet to a 5/8" iron rod at the southwest corner thereof; thence South 0° 49' 39" East 1148.25 feet to the true place of beginning.

Additional Finding Adopted by City Council 6/24/81

A need to assure for public access through the AG-zoned area exists, and this public access must be provided for.

FINDINGS

Findings Required: In order to make a decision on the proposed annexation and zoning, the City must adopt findings that address and show conformance with: 1) the Albany Comprehensive Plan map, goals and policies; 2) the LCDC Goals; and 3) the LCDC Administrative Rule on Annexations.

Findings in Favor: The applicant prepared findings in favor of the request which were reviewed by the Planning Commission. The Planning Commission reviewed the comments made by staff regarding the proposed findings (following section) and directed the applicant to revise the proposed findings in favor based on those comments. The applicant has now resubmitted findings which address some of the concerns expressed by the Planning Commission and Staff.

Staff Review of Proposed Findings: The following discussion is a review of the applicant's original findings in favor. The applicant has revised the findings, taking into consideration many of the following comments.

First, in general, there are several places in the proposed findings where the applicant states that a particular section of the Comprehensive Plan does not apply specifically to the annexation or zoning of the property, but will apply at a later time, presumably at the time of development review. The staff feels it is important to recognize that all the significant factors must be taken into consideration prior to any commitment on the part of the City to accommodate future development. Once a decision to annex and zone property is made, a commitment has been made by the City to allow development to occur, even if certain factors that should have been thoroughly evaluated were not and problems of developing the site occur at a later date. Specific examples of these concerns are pointed out in the following staff evaluation of the applicant's proposed findings addressing conformance with the Comprehensive Plan document.

(page 2) The applicant concludes "The goal, policies and implementation methods of the Vegetation and Wildlife Habitat Section do not apply to annexations." Although the Plan does not specifically address vegetation and wildlife habitat considerations at the time of annexation into the City, Plate 4 on page 137 of the Plan shows the area Oak Creek as an area of Natural Vegetation and Wildlife Habitat.

(page 8) The applicant has stated "The property in question is not designated for future housing." and then concludes "The Housing Section is not applicable to the proposed rezone." This is not true. The proposed annexation contains 56 acres of property that is designated on the Comprehensive Plan as residential (26 of which is owned by the applicant). This section of the Comprehensive Plan should be addressed in some form by the applicant.

(page 9) In relation to transportation, the applicant concludes "The transportation impact will be related to the development of the property. It should be specifically considered when the development of the property occurs." The problem with this is that if the City annexes the property and zones part of it Heavy Industrial (essentially commits to industrial development) without looking at the transportation impacts on the existing streets and surrounding areas, the effects could be very detrimental to efficient traffic circulation. Also there are some obvious access problems to the proposed residential area south of Oak Creek and east of the railroad.

(pages 9, 10, and 11) In addressing Public Services in general the applicant speaks to the availability of services to the site. It is necessary to recognize that services can be made available to parts of the site, but that the services may not be adequate to meet undefined demands and that all services cannot immediately be provided to the entire property. This is especially true in the case of sanitary sewers and storm sewer improvements.

(page 13) Under the section of Updating and Amending the Plan, the applicant describes a discrepancy between the Comprehensive Plan Map and the proposed zoning. Essentially, the applicant is requesting that the area north of Oak Creek (Area C on exhibit B) be zoned M-3 (Heavy Industrial), when the Comprehensive Plan map designation designates the area for Light Industrial. The City cannot make a land use decision that is in conflict with the Comprehensive Plan. This problem is discussed in more detail in the following section of this staff report which analyzes the applicant's proposed zoning.

Conformance with the Statewide Planning Goals: (page 14) Goal 3, Agricultural Lands. The applicant states "...It is not now farmed...". Portions of the subject property is, and has for many years been actively farmed. It is possible that the applicant meant that parts of the property are not being farmed. It is accurate to say however that the majority of the property "...is irrevocably committed to urban use. It has been identified by the City as required for urban use."

(page 15) Goal 9. The applicant states "This parcel is presently being used as heavy industrial property." Only a portion of the area proposed for annexation is presently being used as heavy industrial property.

(page 15) Goal 10, Housing. The applicant states "This property is not designated for housing. The only impact would be an indirect increase in housing demand brought about by future expansion of the existing industrial use or new industrial development on this property." As pointed out earlier, there are approximately 56 acres included in this annexation request that are designated in the Comprehensive Plan as residential. An evaluation of these areas and the potential impacts is absolutely necessary.

(page 15) Goal 11, Public Facilities and Services. The applicant states "Once this property is within the City of Albany, police and fire services will be available. The property will be served by water and sanitary sewer facilities. All other necessary public facilities are now available to the site." It is necessary to note that although the basic public facilities and services are physically available to portions of the property, there has been no thorough evaluation of the adequacy of the services and facilities to serve and existing or proposed development.

Conformance with the LCDC Administrative Rule: (page 17) LCDC Administrative Rule. The applicant has addressed some of the concerns of the administrative rule. However, the applicant does not discuss the specific issues of the administrative rule, but instead discusses OREMET's schedule for expansion and the possible schedule for acknowledgement of the Comprehensive Plan. In part, the annexation rule states "For annexation of lands not subjected to an acknowledged plan the requirements of Goal #3 (Agricultural Lands) and Goal #14 (Urbanization) OAR-10-060 shall be satisfied only if the city . . . finds that adequate public facilities can be made available; and: (1) the lands are

physically developed for urban uses or are within an area physically developed for urban uses; or (2) the lands are clearly and demonstrably needed for an urban use prior to acknowledgement of the appropriate plan and circumstances exist which make it clear that the lands in question will be within an urban growth boundary when the boundary is adopted in accordance with the goals."

Additional Findings Suggested by Staff:

1. The area known as College Park is committed to annexation because of a "Consent to Annexation to the City of Albany, Oregon" agreement signed by the then owner on January 24, 1972. The City Council approved the delayed annexation (ord. #2321) and it was filed with the city recorder on January 24, 1972.
2. Development of the southern portion of the College Park area began in May, 1974, after both the Albany Planning Commission and Linn County Planning Commission gave PUD approval. Subsequent phases of the PUD were approved in May, 1974, May 1975, February 1976 and January 1977.
3. The City of Albany is currently providing some urban services to the property. The availability of sanitary sewers made it possible for the development of the site to the existing density.
4. The College Park area has not previously been formally annexed by the City of Albany because it has not been contiguous to the city limits. Annexation of the Ore-Met property, will make College Park contiguous.
5. Inclusion of the College Park area at this time will save considerable time and effort on the part of the City staff, Planning Commission and City Council and therefore will save the community many dollars.
6. Annexation of the College Park property will increase the City's tax base by the amount of the assessed valuation of the property (\$1,974,275 in 1980).

Adopted by City Council 6/24/81

Adopted by City Council 6/24/81

ANALYSIS OF ZONING PROPOSED BY APPLICANT

The proposed annexation is an unusually complex one because of the large area involved and the number of different kinds of land uses that will ultimately be developed on the property. The applicant has proposed zoning for all of the area proposed for annexation except for the College Park area. However, the staff feels that there are a couple of major problems with the proposed zoning in two areas. The first is the parcel just north of the Oak Creek floodway (area C on exhibit B). The applicant has proposed M-3 (Heavy Industrial) zoning for this area, but the Comprehensive Plan designates it as light industrial. In order to zone it M-3 (Heavy Industrial) the City would first have to change the Comprehensive Plan map. An amendment to the Comprehensive Plan would require a separate action of the City.

The second area that the staff has concern over the applicant's proposed zoning is for the area south of the Oak Creek floodway (area E on exhibit B). The applicant has proposed R-2 (Limited Multiple Family) zoning for this area. Because the area is designated Urban Residential Reserve on the Comprehensive Plan the proposed R-2 zoning could be in conformance with the plan map. However, the staff feels that because of the lack of public facilities to the site and the probable long duration of time before facilities will be available to the site, that the medium density zone is inappropriate at this time. Even with more restrictive R-1 zoning it should be made clear in the adopted findings that future development of this area will be subject to additional detailed reviews and extension of facilities.

Finally, the applicant has not proposed zoning for the College Park area (area F on exhibit B). The Comprehensive Plan map designates this area as medium density residential. Because of the existing development and availability of facilities the staff recommends that it be zoned R-2 (Limited Multiple Family). A map showing the staff's proposed zoning and the Planning Commission's recommended zoning is attached as exhibit H.

PLANNING COMMISSION RECOMMENDATION

At its June 1, 1981 regular meeting, the Planning Commission recommended to the City Council approval of the annexation request and designation of zoning as recommended in the staff report (exhibit H) on the basis of the amended findings proposed by the applicant with additions and notes included in the staff report of June 1, 1981.

ATTACHMENTS

- A. Area Map
- B. Map designating areas for discussion in staff report
- C. Comprehensive Plan Map Designations
- D. Current Zoning Designations
- E. Applicant's Proposed Zoning Designations
- F. City's Proposed Interim Zoning Designations
- G. Applicant's Proposed Findings in Favor of the Request.
- H. Planning Staff Proposed Zoning Designations
- I. Letter from Linn County Board of Commissioners
- J. Island areas that will be created by this annexation

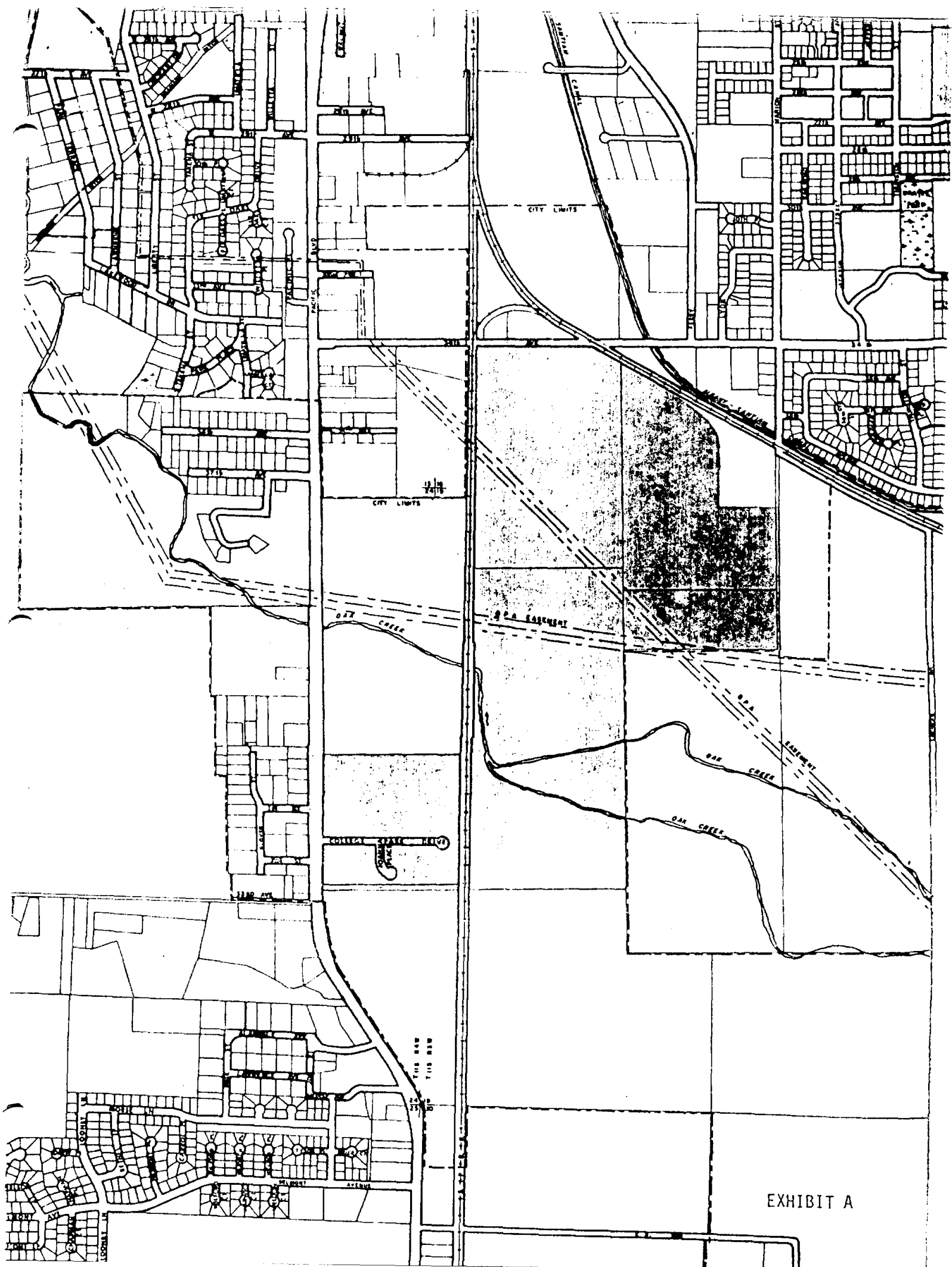


EXHIBIT A

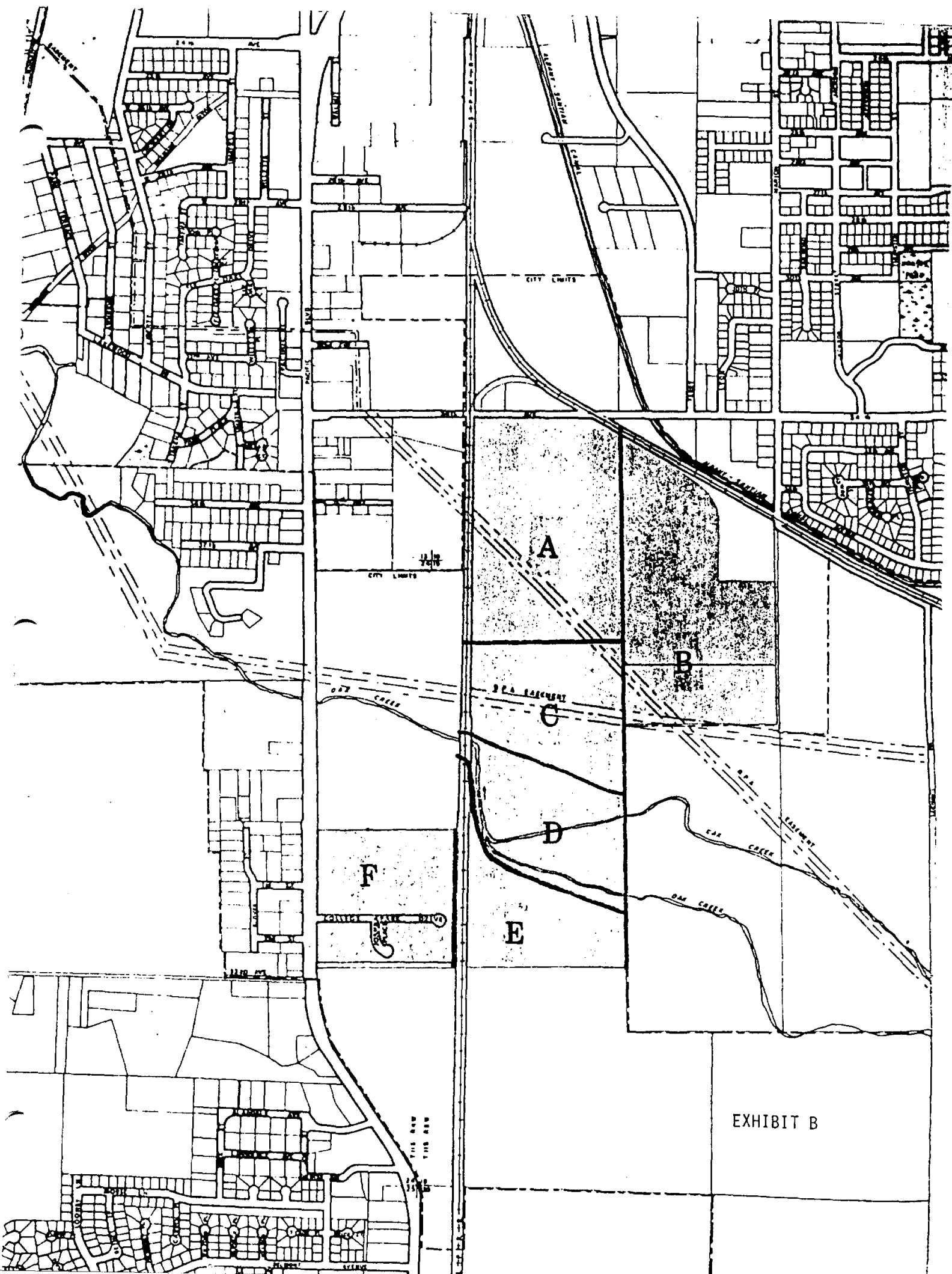
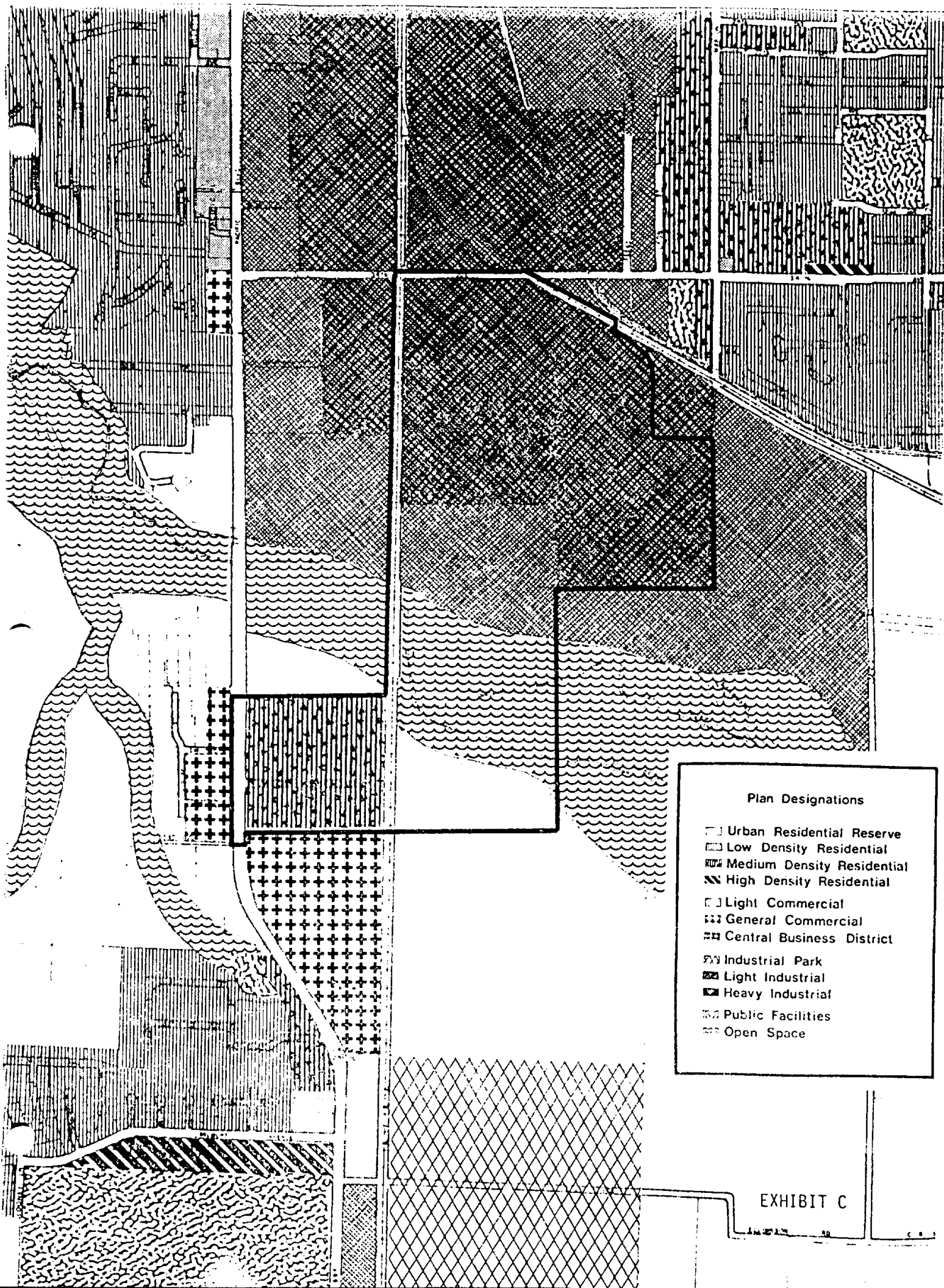


EXHIBIT B



Plan Designations













-  Urban Residential Reserve
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  Light Commercial
-  General Commercial
-  Central Business District
-  Industrial Park
-  Light Industrial
-  Heavy Industrial
-  Public Facilities
-  Open Space

EXHIBIT C

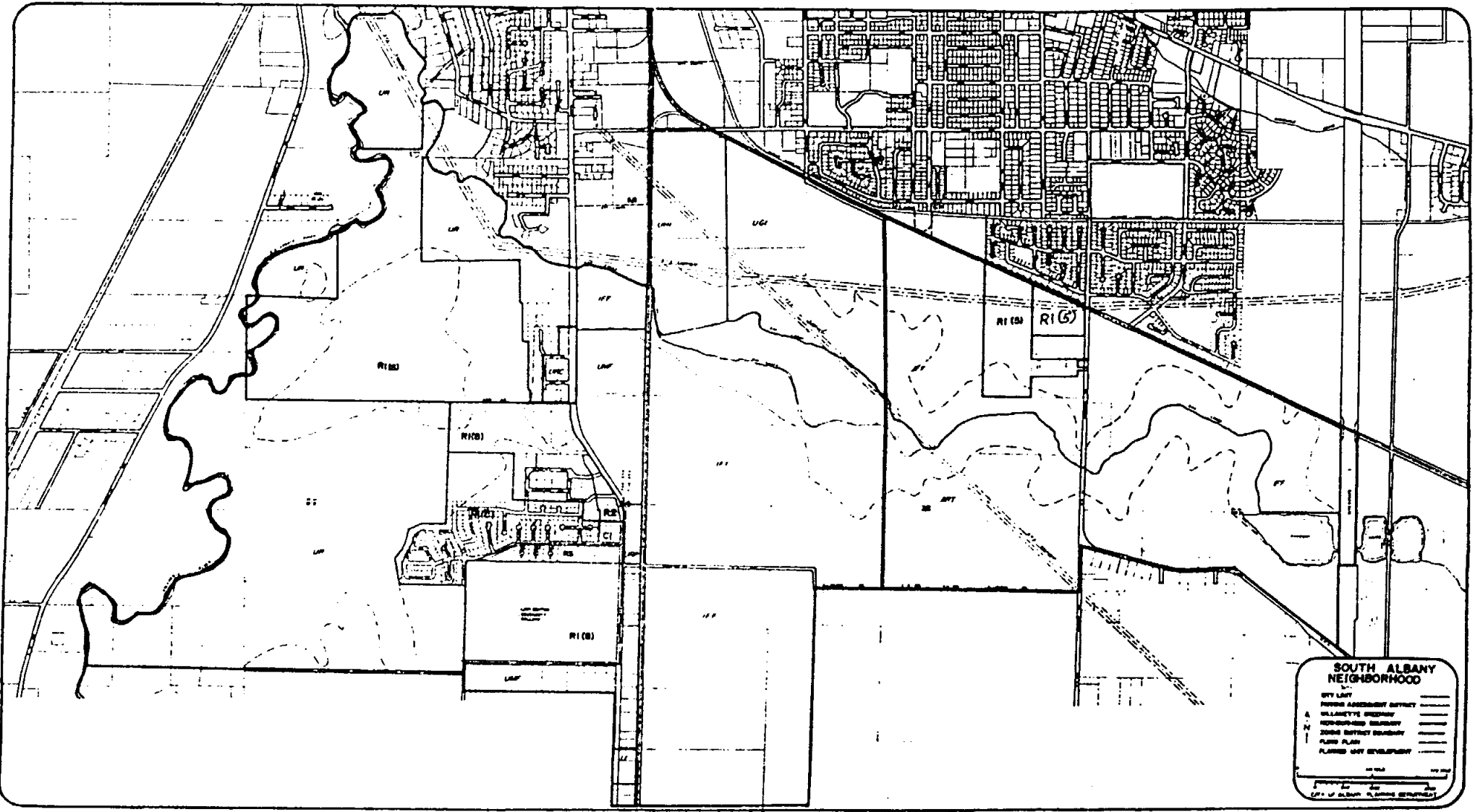
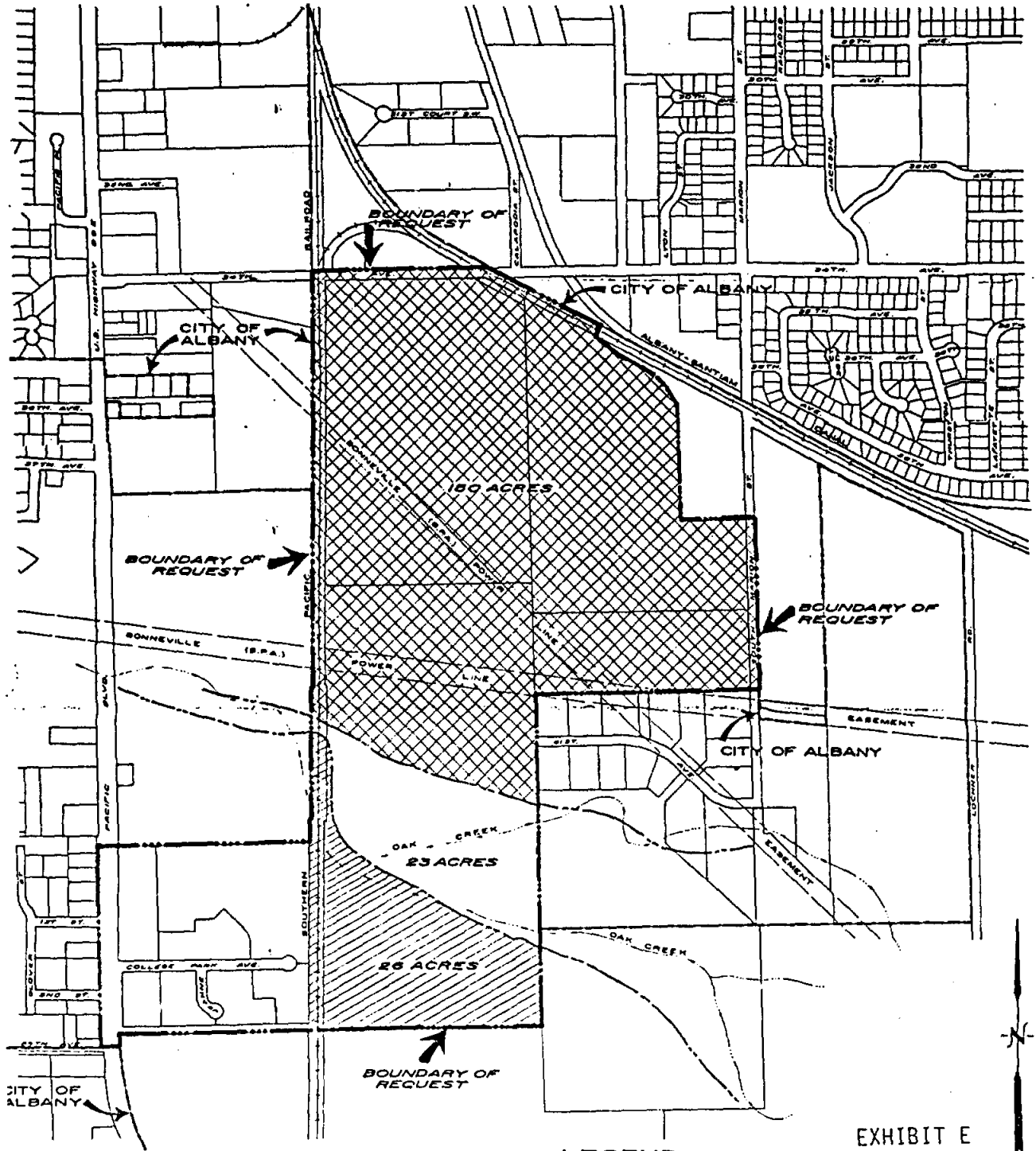


EXHIBIT D

**PROPOSED ZONING
FOR
OREGON METALLURGICAL CORPORATION**



LEGEND


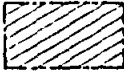

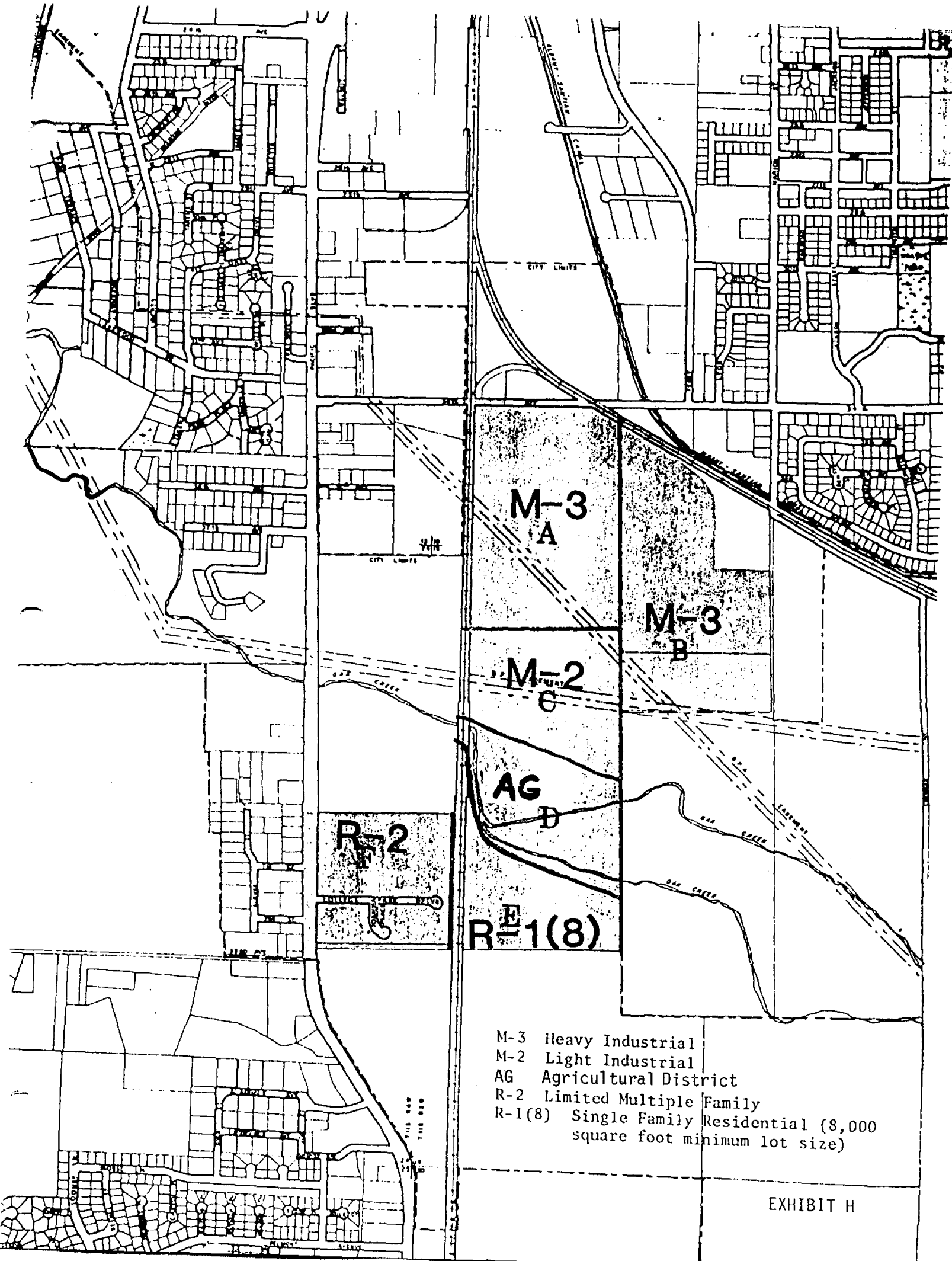
-  HEAVY INDUSTRIAL M-3
-  RESIDENTIAL MULTIFAMILY R-2
-  OPEN SPACE

EXHIBIT E

PREPARED BY:
TIMBERLAND-McCULLOUGH, INC.
1010 Airport Road, S.E. P.O. Box 688
Albany, Oregon 97321
Phone: (503) 926-2404

Open Space Boundary based on City of Albany Planning Information

SCALE - 1" = 400'



- M-3 Heavy Industrial
- M-2 Light Industrial
- AG Agricultural District
- R-2 Limited Multiple Family
- R-1(8) Single Family Residential (8,000 square foot minimum lot size)

EXHIBIT H



LINN COUNTY
BOARD OF COMMISSIONERS

P.O. Box 100, Albany, Oregon 97321
Telephone 967-3825

COMMISSIONERS

JOEL D. FOSDICK, JR.
DAVE COOPER
PATRICIA TOLLISEN

ADMINISTRATIVE
OFFICER

WILLIAM L. OFFUTT

May 27, 1981

Mr. Steve Bryant
Planning Director
Albany Planning Dept.
P. O. Box 490
Albany, OR. 97321

RE: Proposed 228 Acre Annexation Hearing for Oregon Metallurgical & College Park

Dear Mr. Bryant:

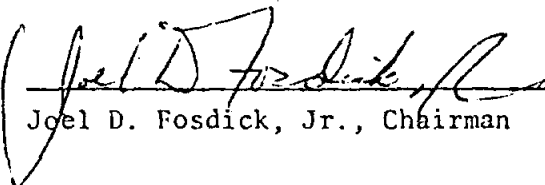
On May 27, 1981, the Linn County Board of Commissioners reviewed your agency referral notice received May 22 regarding a public hearing scheduled for June 1, 1981 before the Albany City Council to consider two annexation requests: one for Oregon Metallurgical Corp. for a 198.19 acre tract known as the Joslyn property, and one for a 30 acre property which has been developed as College Park Subdivision.

In reviewing the matter, the Linn County Road Master has indicated that the Oremet development may at some point be impacted by the need to improve the drainage of Oak Creek. No road problems have been identified. The Planning and Building Department has indicated that the proposal complies with existing planning and zoning standards for the area.

Regarding the College Park annexation request, the County Road Master has indicated that the City of Albany should take action to accept College Park Drive and Joanna Place into the City Road system, if such has not yet been accomplished. The Planning and Building Department has indicated that the proposal complies with existing planning and zoning standards for the area.

In reviewing the proposal, the Board of Commissioners concurs with the above cited concerns, and has determined that Linn County will not pose any objection to the proposals. Thank you for the opportunity to make comments regarding these requests.

LINN COUNTY BOARD OF COMMISSIONERS


Joel D. Fosdick, Jr., Chairman

David O. Cooper, Commissioners



Patricia Tollisen, Commissioner

EXHIBIT I

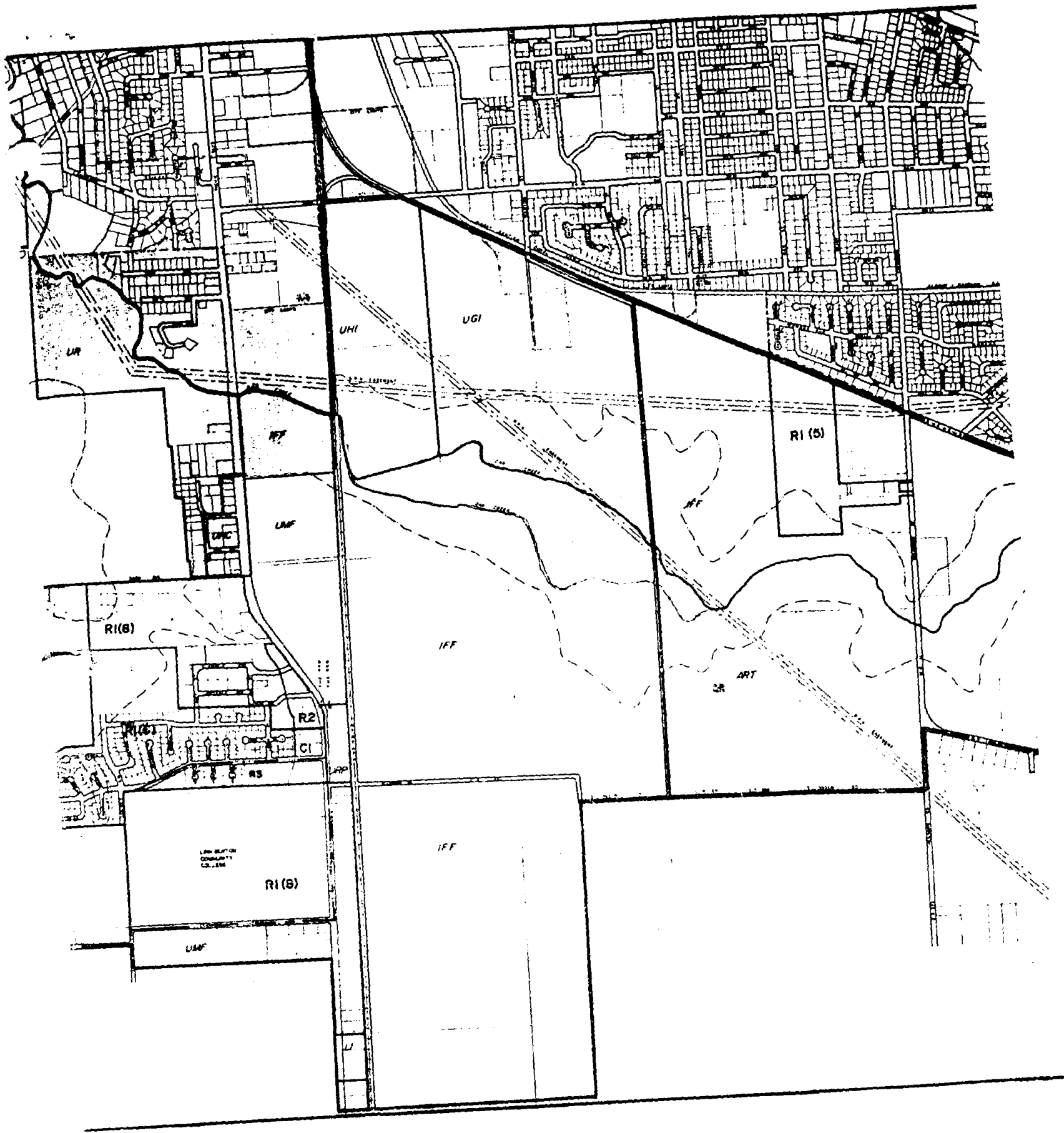


EXHIBIT J

REVISED

See
020
4429

OREGON METALLURGICAL CORPORATION

ANNEXATION REQUEST



Timberland

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McCullough

FORESTERS · PLANNERS

1010 Airport Road, S.E. · P.O. Box 668 · Albany, OR 97321 · (503) 926-9404

June 8, 1981

Oregon Metallurgical Corporation

Re: Findings of Facts

The enclosed findings of fact for the proposed Oregon Metallurgical Corporation Annexation have been revised from the original facts submitted. The changes reflect amendments which were agreed to at the Planning Commission meeting of June 1, 1981.

The basic reason for amendment was precipitated by an agreement to modify the zoning proposed to bring it into conformance with the comprehensive plan. This amended the proposed zoning for that portion of 11-3W-19, tax lot 402 north of Oak Creek from M-3 to M-2. Also that portion of 11-3-19 tax lot 402 which was originally proposed as R-2 limited multiple family is now indicated as R1-8 in conformance with the staff report recommendation.

In addition to these two zoning classifications, additional findings have been added related to public services. Changes have been made in the Housing findings to reflect the lower density gradient now being requested.

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OREGON METALLURGICAL ANNEXATION REQUEST

INTRODUCTION

Oregon Metallurgical, a major industrial employer in this area, is requesting that approximately 199 acres of property located adjacent to 34th Avenue and the Southern Pacific Railroad be annexed into the City of Albany. The firm is seeking this request to make City services available to the site to facilitate further expansion.

Generally, this property is bounded on the east by south Marion Street, along the north by the Southern Pacific Railroad and 34th Avenue, along the west by the Southern Pacific main track and along a portion of the south and east by the recently annexed Marion Industrial Park. The zoning proposed for this area consists of approximately 150 acres of M-3 Heavy Industrial, 26 acres of R-2 Limited Multiple Family Residential and 23 acres of open space.

The Heavy Industrial area is located north of the Oak Creek flood way. The R-2 is located along the extreme southerly portion of the proposed annexation. These two areas are buffered by the Oak Creek drainage area. This drainage area is approximately 600 feet wide at its narrowest point which will provide sufficient buffering between these two proposed uses.

At the request of the Albany Planning Department, the College Park area has been included in the legal description of this request. This area is currently under a contract annexation. There are no findings, conclusions or zoning proposals for this area included in this request document.

CONFORMANCE WITH THE
COMPREHENSIVE PLAN DOCUMENT

Chapter One - Environmental Setting

I. NATURAL RESOURCES

A. Vegetation and Wildlife Habitat

Goal: Ensure vegetation is an integral part of Albany's environment by protecting and utilizing existing vegetation and by including new plantings in existing and new developments.

To achieve this goal, several policies have been adopted. None of these policies directly relate to the annexation of the property. Rather they relate to future development. The act of annexing the property will not alter its physical characteristics. It will however, give the city authority over future development and will allow for the implementation of the policies of this section.

When the property is developed, the major concern related to this section will be the natural area along Oak Creek. This area is designated as a natural Vegetation and Wildlife Habitat on Plate 4 of the Albany Comprehensive Plan. In recognition of the plan the zoning proposed for the floodway of Oak Creek would insure that this property remain virtually unaltered. There are no plans or procedures which would encourage or allow modification of that area.

Also as the property is developed it will be required to comply with landscaping requirements. This will meet the on site, new plantings portion of this section.

Conclusion: The proposed zoning associated with this annexation request ensures the maintenance of the Oak Creek flood way in a natural state preserving the existing vegetation and wildlife habitat. Further as the property is developed under either the existing zoning ordinance or the proposed development code any development will be required to meet landscaping regulations, thus ensuring that further vegetative plantings will be incorporated into any expansion.

B. Agriculture and Forestry

Goal: Preserve existing agricultural lands within the urban growth boundary until such time as the land is needed for conversion to urban uses.

To achieve this goal, the following policies were adopted:

1. Encourage development within the Urban Growth Boundary in an orderly and compact fashion to protect outlying agricultural lands until needed for urban development.
2. Ensure that used within the Urban Growth Boundary are compatible with agricultural uses adjacent to the Urban Growth Boundary.

The annexation of this area would encourage the logical expansion of the existing industrial area located south of 34th Avenue. This is not a request which would encourage or allow a "leap frog" type of industrial development or a fragmenting of this existing intensive industrial area.

The property under consideration is now a mixture of industrial and agricultural uses. At this point these uses appear to be compatible. There is no reason to assume that this will change as the property develops as industrial.

Conclusion: This proposed annexation conforms to the Agriculture and Forestry Section of the comprehensive plan document.

C. Sand and Gravel

This parcel has not been identified as possessing aggregate extraction potential. However, should such be found the proposed rezoning would not affect future development of an extraction site.

Conclusion: The proposed annexation would not violate the Sand and Gravel section of the comprehensive plan.

D. Open Space Resources

Goal: Ensure provision of open spaces and protection of natural and scenic resources.

The policies of this section which relate to this area are the following:

1. Encourage the retention of open space lands which provide the following:
 - a. aesthetic and environmental relief from the density of urban development,
 - b. future recreational lands,
 - c. buffers for incompatible development,
 - d. protection of areas not suitable for development,
 - e. fish and wildlife habitats, and
 - f. protection of significant historic areas.

2. Explore using major utility easements, rights-of-way, abandoned railroad rights-of-way, and drainageways for bicycle and pedestrian pathways.

Implementation Methods:

1. Preserve floodplains and drainageways to provide a basic open space framework for the community using the following as guidelines:
 - a. Reserve as open space a minimum of 50 feet on each side of the centerline of Truax and Burkhart Creeks and 100 feet on each side of the centerline of Cox Creek (exact open space delineation should consider topography, scenic areas, vegetation, proposed adjacent development, and drainage characteristics of the particular areas).
 - b. Designate the floodways of Oak Creek and the Calapooia River as open space.
2. Require the dedication of easements or rights-of way for public use of open drainageways designated on the Plan for Open Space when adjacent properties are developed or redeveloped.

These are all applicable to this property because of the Oak Creek drainageway which runs through the southerly portion of the subject area. The comprehensive plan maps indicate that the Oak Creek drainage area contains natural vegetation and wildlife habitat. The area is designated on the comprehensive plan map as open space. A bikeway is designated as desirable along the north side of the Oak Creek drainage. These are acknowledged. However, policies one and two and implementation method two are tied to the development of the property. Implementation method one requires action on the part of the city.

Conclusion: The annexation and zoning request comply with this section of the comprehensive plan.

E. Water Quality

Goal: Reduce water pollution in the Albany area and ensure that future land use activities maintain water quality standards.

The policies and implementation methods require action on the part of the city or extension of services in to areas of failing septic systems. Neither of these are appropriate to this request. However, the Ore Met facility now complies with DEQ standards and would meet standards for any expansion. Similarly, any other industry which might be developed in this area would be required to meet these environmental quality regulations.

Conclusion: The proposed request is in compliance with this section of the comprehensive plan.

F. Air Quality

Goal: Reduce air pollution in the Albany area and ensure that future land use activities maintain air quality standards.

The policies associated with this section relate to compliance with DEQ Federal Clean Air Act, and environmental protection agency area regulations. The current Ore Met facility complies with these standards. Any future development would also be required to meet these standards.

Conclusion: The proposed request conforms to this section of the comprehensive plan.

G. Sound Quality

Goal: Reduce adverse effects of noise in the Albany area.

To achieve this goal, the following policies have been adopted:

1. Require each new industry with noise-generating operations or equipment to certify to the City that it complies with State and local noise regulations.

This policy relates to construction of new facilities.

2. Maximize the separation of noise sensitive uses and noise generating uses.

Assuming that additional noise generating facilities are developed they will be within an area of other industrial non noise-sensitive land uses. The exception would be any residential development located south of the Oak Creek drainageway. These areas would be buffered by the open space associated with that drainage area.

3. Noise generating facilities (industries, arterials, etc.) should be designed and landscaped such that noise standards are met and neighboring "noise-sensitive" properties are protected from new land use.

The applicability of this section is subjective according to Ted Groszkiesicz of the State Department of Environmental Quality. There have, to date, been no noise complaints made regarding the existing Ore Met facility. Further, this policy would appropriately be considered at the time of any new development.

4. For new noise-sensitive development, encourage special construction and landscaping techniques in areas where that development would be impacted by noise.

This is not a noise sensitive development.

The implementation methods require action on the part of the city at the time of development.

Conclusion: The proposed request conforms with the Sound Quality section of the comprehensive plan.

II. HAZARDS

A. Flooding Slopes, High Water and Ponding

Goal: Protect life and property from natural disasters and hazards.

A portion of the area under consideration is impacted by the Oak Creek flood plain (see plate 6 of the Albany Comprehensive Plan). As such it is subject to inundation in times of heavy runoff. There is now no development within the flood plain. There are no significant slopes associated with the property. Therefore there are no slide or mass movement hazards associated with the property.

The policies and implementation methods of this section which relate to the area are tied to development of the property or require action to be initiated by the city. As this request is for annexation and zoning and not development, these are not appropriate considerations at this time.

Conclusion: This request will not be counter to the goal of the Natural Hazards section of the comprehensive plan.

III. SPECIAL AREAS

A. Willamette Greenway

The property in question is not within the Willamette River Greenway area.

Conclusion: This section is not applicable to this request.

B. Historic and Archaeological Resources

There are no known historic or archaeological sites associated with this parcel.

Conclusion: The Historic and Archaeological Resources section of the comprehensive plan are not applicable to the proposed rezone request.

Chapter Two - Community Needs

A. Economic Development

Goal: Diversify the economic base in the City of Albany and strengthen Albany's role as a regional economic center.

Maintain the median income of Albany's residents at or near state and county levels and provide jobs for Albany's residents.

Of the specific policies listed in this section, the following relate to the proposed annexation and zoning request.

Policy 4 - Encourage the expansion of existing business and industry.

The property under consideration is intended for the expansion of the existing Ore Met facility.

Policy 9 - Encourage business and industry to locate within Albany that will employ Albany's existing labor force. The existing plant and future expansion will encourage the use of the local labor force given the type uses now contemplated.

Conclusion: The annexation request conforms to Policy 9 of this section.

Policy 19 - Encourage business and industry to locate within the Albany city limits to decrease the proportional share of City taxes paid by residential properties. The proposed annexation will bring Ore Met within the City of Albany. Further, as stated above, granting the request will encourage the expansion of the existing facilities on the property.

Conclusion: The annexation request conforms to Policy 19 of this section.

- Policy 20 - Encourage industrial development preferring firms that:
- a. Meet or exceed state or local environmental standards.
 - b. Utilize the existing labor force and help to reduce seasonal fluctuations.
 - c. Are low producers of industrial wastewater.
 - d. Are on state and local lists of desirable firms.
 - e. Are low consumers of energy.

Conclusion: The proposed annexation and development/expansion would meet a. and b. The remainder of this section would depend specifically on the type of development or expansion.

Of the specific implementation measures contained in this section, number one applies directly to this site.

Implementation measure one states that the city shall designate lands in suitable locations for future commercial and industrial development. The city has designated this site as Heavy Industrial, Light Industrial and Residential on the newly adopted comprehensive plan.

Conclusion: The proposed annexation generally conforms to the comprehensive plan and is in compliance with implementation measure number one already completed via the comprehensive planning process.

B. Housing

Under the proposed R1(8) classification the property could presumably accommodate approximately 106 units. This is based on an area of 26 buildable acres, deducting 25% of the total area for streets and deviding the remaining area by 8,000 square per lot. This would accommodate roughly 265 persons based on an average population per dwelling unit of 2.5.

This impact is not expected in the near term. No public sewer system or suitable roadway is now available to this site. Therefore, the impact on the housing stock of the city will be virtually nill until these public facilities are made available.

Conclusion: There will be no immediate impact on housing brought about by the annexation and zoning of this property.

C. Transportation

Goal: Provide a safe diversified and effective transportation system which protects and enhances our local economy, environment, scenery and neighborhoods.

Of the policies realting to this goal, none directly relate to the annexation and zoning of the property. Each of the policies is either development related or requires action or initiation on the part of local government.

However, as background the property abutts 34th Avenue, a designated arterial. The current Oregon Metallurgical operation has two points of ingress and egress along 34th Avenue. A third point is now being constructed.

Based on the Traffic Engineer's Handbook, a street of the design of 34th Avenue should, under ideal situations, accommodate 4,000 automobile trips per hour. Traffic counts taken by the city of Albany in 1978, indicates that the average daily traffic on 34th Avenue at Pacific Boulevard is 7,700 and at 54th and Jackson 9,200 vehicles per day. In essences 34th Avenue is now at approximately ten percent of its design capacity.

In addition this site has access to the Southern Pacific Railroad line. This further enhanses the opportunity for multi-modal transportation of materials.

Conclusion: Annexation will, of itself, have no impact on transportation. There is however, adequate capacity on 34th to accommodate the amounts of traffic envisioned to be generated by the development of this area.

All of the implementation methods relate to development of the property or public-body initiated action. The annexation of the property does not of itself create any transportation problems. The areas of concern will be access to 34th Avenue and the use of rail transit. Currently there appears to be no major problems. These will however, be reviewed more fully when development is proposed.

Conclusion: The transportation impact will be related to the development of the property. It should be specifically considered when the development of the property occurs.

D. Public Services

Goal: Ensure the provision of a full range of public utilities and services to serve the Albany urban area in a timely and orderly fashion and maintain the quality of services commensurate with new growth.

1. Water Services - The property is currently served by a 16 inch diameter water line located in the 34th Avenue right-of-way. There is a two million gallon water reservoir located directly north of the property which is connected to the 16 inch system. The on site portion of the water system is predominantly an 8 inch system. In addition to the two million gallon reservoir Oregon Metallurgical has indicated that two 0.9 million gallon reservoirs are anticipated to be constructed on site.

Conclusion: There is existing water service available to the site. There appears to be adequate capacity available to accommodate the expansion envisioned.

2. Storm Drainage - The annexation of the property will not alter the storm drainage in the area. As the property is developed it will be necessary to do more indepth studies. At present it appears that any additional run-off caused by the creation of more impervious surfaces would be channeled into the Oak Creek drainage area following the natural contours of the area. No need for pumping of storm drainage is foreseen.

Conclusion: The policies and implementation methods do not directly apply to annexation and zoning. However, based on the data available it appears that the future development of the property would be in compliance with the storm drainage portion of this section.

3. Sewage Treatment - The future development of this property is to utilize the city of Albany sanitary sewer system. There is currently a 21 inch diameter sanitary sewer line located in 34th Avenue. This line is approximately 20 feet deep. When our firm; (Timberland-McCullough) was working on 34th Avenue Industrial Park, it was noted that this line was flowing at between 1/4 and 1/3 capacity. Conversations with the members of the Albany Public Works Department confirm this observation. The Public Works Department has indicated that there is sufficient capacity within the sewer system to accommodate the domestic effluent envisioned with the development of the property. However, as the quality and quantity of industrial effluent produced by the development of this property is now unknown there is no method of guaranteeing that it will be possible for the city to assume that the industrial discharge is suitable to be handled by the city's system.

Conclusion: There is adequate line and treatment plant capacity to accommodate the anticipated domestic sewerage produced by the industrially designated portion of this property. Industrial waste will have to be reviewed on an individual basis with the Public Works Department determining the appropriateness of allowing discharge into the municipal system.

The portion of the property requested as residential designation has no sewer service available and such must be provided prior to development of that portion of the annexation.

4. Solid Waste - The solid waste section of the comprehensive plan relates to action to be undertaken by the city to encourage recycling. It would not be an appropriate consideration regarding a proposed annexation and zoning.

Conclusion: The solid waste section of the comprehensive plan is not directly applicable to the proposed rezone request. Measures can be taken to ensure that this is considered when expansion and or development occurs.

5. Other Utilities - Once annexed, all other necessary utilities will be available to the site. The policy and implementation method of this section requires action on the part of the city.

Conclusion: All other appropriate utilities are available to the site, however the policy stated as well as the implementation method are not applicable to the proposed rezone annexation.

6. Police and Fire Protection Services - The police and fire protection services section relates to action to be under taken by the city. There are no criteria spelled out to determine what levels of service are appropriate.

Conclusion: The police and fire protection services section as written do not directly apply to this proposed rezone.

7. Health Services - This section makes no concrete statement.

Conclusion: The applicability of this section is a subjective matter.

8. City Support Services - The policy of this section is to ensure that the city continues to provide the full range of support services to its growing population by providing adequate financial support through controlled growth at the tax base and in other revenue sources. The proposed annexation would add approximately \$108,000 to the tax base

$$\left(\frac{\$15,039,080 \times 7.18}{1,000} \right)$$

Conclusion: This annexation would comply with this policy statement.

9. Education - This section refers to the placement of schools, access to those schools, and impacts of new developments on schools. The area under consideration is not proposed for a school site nor is it proposed for a residential area which would potentially house school age children.

Conclusion: This section is not applicable to the proposed rezone.

10. Social Amenities - The area along Oak Creek is shown as possessing natural areas of vegetation and wildlife habitat. The master bike plan shows a proposed route along the north side of Oak Creek. Annexation of the property would not alter these. Annexation would assure the city the right to oversee any development along this area of Oak Creek.

As the property develops specific landscaping and open space, criteria may be applied.

Conclusion: Annexation and zoning of the property will enhance the attainment of the aesthetics goal.

Chapter Three - Growth Management Process

I. DIRECTING GROWTH

The goal of this section is to achieve stable land-use growth which results in a desirable and efficient land-use pattern. The policies which related to this goal and are applicable to this proposed annexation request are as follows:

3. Require annexations to be logical and efficient extensions of City limit boundaries to facilitate the functional and economic provision of services.

The proposed annexation encompasses an existing industrial use. Further it is a logical southerly extension of the existing city limits.

4. Encourage only those annexations which will fulfill a demonstrated public need and which comply with the Comprehensive Plan goals and policies.

The information submitted indicates that the proposed annexation complys with this section.

7. Encourage land-use patterns which take advantage of density and location to reduce the need for travel, facilitate energy-efficient public transit systems, and permit building configurations which increase the efficiency of energy use.

The area in question is located along the Southern Pacific Railroad right-of-way. This offers an access to rail transit. This is a prime energy concern when considering shipping. It eliminates the need for inefficient interum shipping between the place of manufacture and the rail yard. The building concerns are now appropriate at the time of development.

15. Provide large industrial areas which are designed to efficiently utilize area transportation and provide for shared transit opportunities.

This 198 acre area is large. It has access to the rail system. It shares that access with other industrial users in the area.

Conclusion: The proposed annexation complies with this section of the comprehensive plan.

II. DEVELOPMENT REVIEW

This section would apply to future development of the property.

Conclusion: This section is not appropriate to the proposed rezone request.

III. ENERGY CONSERVATION

The current Oregon Metallurgical facility is a heavy user of electricity. There are no figures readily available which indicate the impact of the expansion of this facility. These will be considered by the firm at the time of expansion.

Conclusion: Energy conservation will continue to be a concern particularly related to industrial development.

IV. PUBLIC INVOLVEMENT

The goal of this section is as follows: "Ensures that local citizens and other affected groups and agencies are involved in every phase of the planning process." This annexation request will be required to follow all of the applicable public hearing and input procedures required by the city.

Conclusion: The request complies with the public involvement section of the comprehensive plan.

V. UPDATING AND AMENDING THE PLAN

This request, as amended, conforms to the current comprehensive plan.

Conclusion: The updating and amendment portion of the comprehensive plan are not applicable to this request.

STATEWIDE PLANNING GOALS

Goal 1, Citizen involvement - The applicable City of Albany procedures will be followed, hearings will be held before the Planning Commission and the City Council. Interested parties will be given an opportunity to present relevant testimony at those hearings.

Goal 2, Landuse Planning - Evidence has been submitted to indicate compliance with the applicable sections of the newly adopted comprehensive plan (Pages 2-13).

Goal 3, Agricultural Lands - The property under consideration is a mixture of heavy industrial usage, vacant and farm land. Because of the current use as industrial and the surrounding industrially committed areas, this property is irrevocably committed to urban use. It has been identified by the city as required for urban use. It can no longer be considered as viable long-term agricultural ground.

Goal 4, Forest Lands - There are some native oak trees associated with the Oak Creek drainage area. These are not of a quality which makes them marketable on a commercial scale. There are no forest resources associated with this site.

Goal 5, Open Spaces - The Oak Creek drainage way has been identified as needed and desirable open space by the city through its comprehensive planning process. This area will be maintained as open space.

The area within the flood way contains approximately 23 acres. It has been identified as an area of natural vegetation and wildlife habitat. This area is not slated for development. Rather it will serve as a buffer between the industrial and residential areas.

Goal 6, Air, Water and Land Resources Quality - All Federal, State and Local laws, rules and regulations regarding air, water and land resources quality are applicable to any future expansion or new development on the subject property. This will be properly considered at that time.

Goal 7, Areas Subject to Natural Disasters and Hazards - This property is impacted by the Oak Creek flood plain. There are specific regulations and restrictions which either set the criteria for development or preclude development of this area. These standards will be adhered to during any subsequent development.

There are no other identified natural hazards associated with the property.

Goal 8, Recreation - In addition to designating the Oak Creek area as open space, the city has proposed a bicycle path through the area. This is the only potential recreational use associated with the parcel.

Goal 9, Economy of the State - This parcel is presently being used as heavy industrial property. It is most suitable for increased economic growth and activity. This parcel is currently the subject of intense expansion plans by the property owner, Oregon Metallurgical Corporation. It is estimated that 2.4 million dollars will be spent over the next five to eight years for additional building and expansion of the current titanium reduction plant. This property is necessary for this expansion. The expansion will provide additional jobs, income and growth to the City of Albany and the surrounding area. This increase will assist the City of Albany in providing solutions to the needs and problems of the city due to its own economic growth.

Goal 10, Housing - The southern 26 acres of the Oregon Metallurgical property is designated for future housing as stated previously in the section related to the housing segment of the Albany Comprehensive Plan there is not anticipated to be any additional housing generated in this area in the short term. Streets and sanitary sewers must be extended into the property prior to development. Therefore, no impact is anticipated on housing in the near future. However, this area has been designated a residential and has been determined to be needed to satisfy future residential needs.

Goal 11, Public Facilities and Services - Once this property has been annexed all basic public facilities will be available. Fire protection and water service are already available. The annexation may impact police services to some extent. However, there is an onsite security force associated with the current operation. This is anticipated to continue.

The level of other public services has been discussed in the preceding portions of this report relating to the Albany comprehensive plan. As indicated all services are available and can appropriately accommodate some level of development on the site. The exact nature of the level of services needed will be determined at the time development permits are requested.

Goal 12, Transportation - This property has access to the two major transportation modes available in Albany. It has access to Pacific Highway 99E via 34th Avenue, a major arterial, and the Southern Pacific Railroad. This multi-modal accessibility is vital to any proposed industrial expansion.

1

Goal 13, Energy Conservation - The eventual issues associated with this area may be heavy users of energy such is the nature of heavy industrial uses. However, because of its location substantial transportation energy can be conserved. The area is close to developed and developing residential areas. Thus affording employees to reside near their place of work and thereby reducing commuting costs, both monetary and energy.

Also as stated the site has direct rail access. This eliminates the need for energy inefficient interim shipping.

The energy conservation associated with construction will be considered when building permits are applied for.

Goal 14, Urbanization - The property is within the urban growth boundary. It is partially developed in an urban use, there are a full array of urban service and facilities which can be made available to the site. This property is irrevocably committed to urban use.

NEED

The area is being requested for annexation primarily for an expansion of the existing industrial use. This is a base (export) type of facility. This means that the products are sold to firms outside the Albany area. This in turn brings in revenue to this area. This is particularly germane at this time as Linn County has recently been designated an economically lagging area.

Not only will this area employ local residents it will also help create a more favorable balance of trade for the Albany area.

Further the area under consideration is uniquely suited to the proposed expansion. It is adjacent to the existing facility and therefore makes expansion more feasible.

LCDC ADMINISTRATIVE RULE

An administrative rule of the Land Conservation and Development Commission requires that when considering the annexation of property to a city which has not received acknowledgment of its comprehensive plan, the following findings must be made: Either 1) that the lands under consideration are physically developed for urban uses or are within an area which is physically developed for urban uses; or 2) the lands are clearly and demonstrably needed for an urban use prior to the acknowledgment of the appropriate plan and circumstances make it clear that the lands in question will be within an urban growth boundary when the boundary is adopted in accordance with the (statewide) goals.

There are two concerns which are inherently germane to this rule. The first is the time frame for acknowledgment of the comprehensive plan. The second is the time frame of the development of the property.

To date, the Albany comprehensive plan has not been submitted to the Land Conservation and Development Commission for review. It is reasonable to assume that the plan will be submitted within the next few months. Perhaps by July of this year. It will take at least a year from submittal before the plan may be acknowledged. This is due in part to a back-log of plans which must be acknowledged, and the lengthy review process required for each plan.

It is realistic to conclude that the Albany comprehensive plan will not be acknowledged prior to July of 1982.

During that time period, Oregon Metallurgical plans for an expansion of its current facilities including the construction of a new office complex. As will be indicated in the attached findings, this is the most suitable area for an expansion of this facility.

Once the time frames are established, it is necessary to address the question as to whether the property will be within the acknowledged urban growth boundary. This particular area has been within both the preliminary urban growth boundary and the revised urban growth boundary as indicated within the text of the newly adopted comprehensive plan document. There is not evidence to indicate that this area will be omitted from any acknowledged UGB.

Further, the property is currently partially developed in urban usage. The property now houses the Ore Met facilities. Ore Met's plant can only be considered an urban use.

From the findings and assumptions presented it can be concluded that:

1. The parcels in question will be within the urban growth boundary.
2. The area is within an area of urban usage.

Based on the statement of public need and the respective time frame for acknowledgment of the comprehensive plan and the proposed development of the property, this area is needed for inclusion within the city limits prior to acknowledgment of the comprehensive plan.