

ORDINANCE NO. 4327

A

TITLE: AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 293.46 ACRES OF PROPERTY LOCATED EAST OF HIGHWAY 99E IN THE AREA OF COLLEGE GREEN AND LBCC, NORTH AND SOUTH OF ELLINGSON ROAD AS M-1 LIMITED INDUSTRIAL PUD AND C-1 NEIGHBORHOOD AND WITHDRAWING SAID TERRITORY FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT

COMMERCIAL

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. 4284 adopted on the 23rd day of May, 1979, dispense 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 13th day of June, 1979, 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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and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 finds and determines that the facts and conclusions stated in Exhibit "A" attached hereto and by this reference incorporated herein are true and correct findings of fact regarding annexation and zoning of the property and they 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-30, Tax Lots 200, 202, 311, 500, 700, 701, 1100 and a portion of 1200.
(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-1 Limited Industrial PUD and C-1 Neighborhood Commercial.

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. 4284, 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 of Linn County, Oregon.

Section 4: Conditions

The following conditions shall be met

1. Suitable agreements between the City and the applicant should be signed for the provisions of sanitary and storm sewer to the site prior to or in the course of PUD approval.
2. A PUD designation should be imposed upon development of this light industrial acreage so that it does not develop in a piecemeal, fragmented pattern but instead a total plan for development would be required.
3. The C-1 3.66 acres shall be subject to site plan review.

Passed by the Council: December 12, 1979

Approved by the Mayor: _____

Effective Date: January 11, 1980

Mayor

ATTEST:



City Recorder

OFFICE OF SURVEYOR
LINN COUNTY, ALBANY, OREGON

APR 04 1979

April 3, 1979

With C. S. 3929

Harrison Weatherford

Proposed Annexation (Revised)

Beginning at the Northwest corner of the Northeast quarter of Section 30 in T. 11 S., R. 3 W. of the Will. Mer., Linn County, Oregon; and running thence South, along the West line of the East half of said Section 30 to a point 36.38 chains North of the Southwest corner of said East half; thence East 11.55 chains; thence South, parallel to the West line of the East half of said Section 30, a distance of 36.38 chains to the South line of said Section 30; thence West, along said South line, 11.55 chains to the Southwest corner of the Southeast quarter of said Section 30; thence North 20.0 feet; thence West, parallel to the South line of said Section 30, a distance of 31.77 chains to the East right of way line of the Southern Pacific Railroad; thence Northerly, along said right of way line 15.79 chains, more or less, to a point which bears S.89°37'E. of a point on the West line of and S.0°31'30"W. 1593.9 feet from the Northwest corner of the Southwest quarter of said Section 30; thence N.89°37'W., parallel to the South line of said Section 30, a distance of 380.74 feet to the East right of way line of the State Highway; thence N.0°32'E., along said highway, 30.0 feet; thence S.89°37'E. 380.51 feet to the East right of way line of said Southern Pacific Railroad; thence Northerly, along said right of way line, to a point 531.3 feet South of the North line of the Southwest quarter of said Section 30; thence West 372.5 feet to the East right of way line of the aforementioned State Highway; thence N.0°32'E. along said highway, 20.0 feet; thence East 372.4 feet to the East right of way line of said Southern Pacific Railroad; thence Northerly, along said railroad right of way line, to a point 16.10 chains South of the North line of said Section 30; thence West, parallel to the North line of said Section 30, a distance of 356.87 feet to the East right of way line of the State Highway; thence N.0°32'E., along said highway, 612.41 feet to a point 450.19 feet South of the North line of said Section 30; thence Easterly, parallel to the North line of said Section 30, a distance of 352.4 feet to the East right of way line of the Southern Pacific Railroad; thence Northerly, along said railroad 450.19 feet to the North line of said Section 30; thence Easterly, along said Section line to the point of beginning.

A

"Industry in the Albany area provide jobs and commodities vital to the welfare of the region. These activities are closely tied to the production of aggregate resources, metals and various manufacturing plants. Light and heavy industrial uses account for 280 acres or less than 1% of the total planning area land use."

"It is Linn County's intent to encourage new industries to locate within cities and UGBs where services are (or will be) available and a labor force is immediately accessible."

"The preferred location for new industrial sites shall be within the urban growth boundaries of the city."

As can be seen from the above quoted language, the proposed policy of Linn County towards industrial land is that it should be located within the urban growth boundaries of the city. It also recognizes that industry in the Albany area provides jobs and commodities vital to the welfare of the region. It also points out that light and heavy industrial uses in Linn County account for less than 1% of the total planning area land use.

SECTION II.
PROPOSED FINDINGS

ADOPTED BY ALBANY CITY COUNCIL
ON 12/12/79

The property that is the subject of the above referenced application for annexation and application to amend the comprehensive plan and zoning ordinance is needed for future urban nonfarm uses, specifically light industry and neighborhood commercial for the following reasons:

(1) Industry and industrial growth are vital to the economic viability of the City of Albany and its economic region. The economic projections for industrial employment and growth in the City of Albany and its economic region indicate that there will be little or no overall growth in the manufacturing sector of the economy as such economy now exists. It is essential that the City of Albany provide sufficient land for future commercial and industrial growth. For environmental, health, and economic reasons the City of Albany wishes to encourage the development growth of light industry in the City of Albany.

(2) The property that is the subject of the above referenced annexation application and application to amend the comprehensive plan and zoning ordinance is the only large parcel of property in the Albany area suitable for development of a large, light industry, industrial park. Linn County's proposed land use policy is to encourage industry to locate within cities and the urban growth boundaries of cities within the county. There are no alternative locations

4

A

within the City of Albany, or adjacent to the City of Albany, that meet the requirements of size, access to major arterials, access to rail transportation, and access to power, water, and sewage facilities needed for a large industrial park. The 3.66 acre tract for which application has been made for neighborhood commercial zoning is located in an area making it ideally suited for commercial uses appurtenant to the proposed industrial usage and surrounding residential areas.

(3) The long-term economic and social consequence to the City of Albany, and its economic region, of not permitting the property that is the subject of the above referenced annexation application and application to amend the zoning ordinance to be designated industrial and commercial land, and to be zoned accordingly, would be to preclude the development of an industrial park and its associated economic growth. The long-term energy consequences of not permitting the proposed comprehensive plan amendment and zoning ordinance amendment would be that such industrial development, if it were to occur, would occur outside the urban growth boundaries of cities located within Linn County and therefore, the energy requirements for such development would be increased. Long-term environmental consequences of not allowing the proposed comprehensive plan amendment and zoning ordinance amendment would be the displacement of farmland located in Linn County outside the urban growth boundaries of cities.

(4) The proposed light industrial and neighborhood commercial uses will be compatible with other adjacent uses.

(5) The subject property, for which the above referenced application for annexation has been filed, is clearly and demonstrably needed for an urban use. Such property is included within the urban growth boundaries of the City of Albany and such annexation is necessary for the future viability of the economy of the City of Albany and its adjacent economic region. As such, the annexation of such property is in compliance with administrative rule three of LCDC.

5

Findings:

(STAFF FINDINGS FOR COMP PLAN AMENDMENT/ANNEXATION/ZONING FOR HARRISON WEATHERFORD A-3-79)

A3

4/2/79
5/7/79

- 1) The property is currently used for grass seed farming and is within the Preliminary Urban Growth Boundary. The Urban Growth Boundary is intended to identify urbanizable as opposed to rural-agricultural lands. This area was included within the Preliminary Urban Growth Boundary with the intent of studying for potential as a light industrial park site.

- 2) LCDC Goal 9 ("Economy of the State") requires that plans and policies "contribute to a stable and healthy economy in all regions of the state." And, that "economic growth and activity...shall be encouraged in areas that have under-utilized human and natural resource capabilities. Alternative sites suitable for economic growth and expansion shall be designated in such plans." Also, "Plans should take into account methods and devices for overcoming certain regional conditions and deficiencies for implementing this goal, including but not limited to...land use controls and disincentives."
 - a. Linn County as a whole has been designated as an "Economically Lagging Area" by the Oregon Department of Economic Development for the past sixteen months because of its higher than average unemployment rate.

 - b. There are currently approximately 250 acres of vacant, industrially zoned land in Albany (23.8 acres M-1, 180 acres M-2, and 50 acres M-3). None of this land is in ownership larger than eleven acres. The lack of availability of larger sites is a disincentive to the development of a major industrial plant which generally would require 150-250 acres.

 - c. Goals of the District 4 Overall Economic Redevelopment Program adapted in December of 1977 include:
 - "Encourage the development of industrial parks."
 - "Develop programs and undertake projects that will encourage the location of industries which are labor-intensive and have favorable economic outlooks."
 - "Designate or zone sufficient amounts of appropriate land for industrial uses."

- 3) LCDC goal 3 ("Agriculture") requires that "agriculture lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space." The area proposed for annexation/zoning/comprehensive plan amendment is considered "agricultural land" under the LCDC definition because it does include soils in Classes II, III and IV. LCDC Goal 9 conflicts with Goal 3 in this case because all areas within the urban growth boundary large enough to be considered for major industrial development are currently in agriculture.

In such cases, LCDC requires that the following findings be made prior to changing the land use regulations:

- a. That uses other than agriculture should be provided for: There are no large industrial sites available in the City, and there should be in order to lower the unemployment rate and encourage the utilization of the area's human and natural resources.

24

A3

b. That alternative locations within the preliminary urban growth boundary are less appropriate:

The proposed annexation area is bordered on the west by a major railroad line, and State Highway 99E; it has good access to Interstate 5. There are no other large areas within the Urban Growth Boundary that have the advantage of immediate rail access with good highway access. The nearness of LBCC as a facility that could provide trained employees to industry is also an asset to this particular site.

c. That development of the site would not have damaging environmental, economic, societal, or energy consumption impacts upon the locality, region, or state:

Development of the site could provide expanded, more diversified employment and tax base for the locality, region, and state. Additional findings on this issue are contained in the attached documentation provided by the applicant.

d. That the proposed uses would be compatible with adjacent uses: The proposed site is surrounded by the following uses:

- North - Agricultural and flood plain
- East - agriculture
- South - agriculture
- West - LBCC

Under the M-2 zoning and Light Industrial Comprehensive Plan Land Use designation applied for, the site could be developed into all except the most heavy type of industry. The industrial development could occur on a piecemeal basis in a manner

that would be incompatible with adjacent uses; the property could also be developed as a well-landscaped, well-buffered industrial park that would add amenities to the area and complement adjacent uses.

4) Sanitary sewer service is not provided to the majority of the property which lies east of the railroad tracks although providing such service is a project recommended in the District 4 COG Overall Economic Development Program. That project reads as follows: "Extend a sewer interceptor from Highway 99E near LBCC east approximately 6,000 feet to an industrial park. The project involves tunneling under the Southern Pacific Railroad."

5) The City Engineer in a letter dated March 28, 1979, indicates that "Drainage and flooding problems exist downstream from this area. Therefore, a complete study of what impact the development of this land will have on this problem is needed."

6) The City Police Chief indicates that by bringing in industry we might anticipate labor disputes (strikes) which are a heavy drain on our already overextended security resources.

25

4/12/79
Original
Applicants
Findings

A3

CITY OF ALBANY ANNEXATION APPLICATION AND APPLICATION TO AMEND COMPREHENSIVE PLAN AND ZONING ORDINANCE OF THE CITY OF ALBANY

Proposed Findings and Supplemental information in support of the following:

C. Findings Necessary to Accompany this Application:

1) Consistency with current comprehensive plan or with the procedures and concepts established for amending the Comprehensive Plan.

2) Public need for the requested annexation and zoning; and finding that the proposed property can best meet the public need for the proposed uses and zoning versus other available property.

3) Compliance with all applicable LCDC goals and guidelines.
1-A

The proposed annexation is consistent with current comprehensive plan and the procedures and concepts established for amending the Comprehensive Plan.

1) The current Comprehensive Plan was placed in effect in 1971.

A) Revision of the Comprehensive Plan was to be done every four years.

B) The Comprehensive Plan is only a "general guide" and future detailed studies will have to be prepared to aid in implementing the Plan.

2nd Revised Draft. Albany Comprehensive Plan
: "Revision", page 37.

The Annexation and request for Amendment of the Comprehensive Plan and Zoning is consistent with the Revision procedures of the current Comprehensive Plan for the City of Albany. The current plan was enacted in 1971 and was prepared to be revised at least every four years. No revision of the industrial portion of the Plan has been undertaken since the adoption of the Plan.

The Comprehensive Plan is intended as a general guide and required detailed studies to aid in the implementation of this Plan.
1-B

The current Comprehensive Plan provides:

"INDUSTRIAL"

Modern industries, for all their individuality, have the following needs in common: sites of adequate

9/0

A3

size, desirable locations having good transportation service, protection from encroachment, pollution controls, and most important--a place in the plan for community growth. More recently, major industries have added to this list the concern that the community be a pleasant place in which to live. Industries have a certain latitude in location and will, if other things are equal, seek locations where these needs are readily satisfied. The availability of well located sites which accommodate new industry and which are compatible with residential development is of prime importance to the Albany urban area."(p.23)

"SPECIFIC GOAL STATEMENTS

Encourage industrial park development including areas for warehouse and distributive industries and research-oriented developments."

"Project industrial areas from encroachment by incompatible land uses and ensure sites of sufficient size to provide ample space for expansion, off-street parking, loading, landscaping, sufficient buffering and controlled access." (p.24)

"Encourage the type of new industrial activities which broadens and improves the long-term employment base, and at the same time protects our environmental assets, by application of strict performance standards. Utilize existing large vacant or near-vacant parcels for those specialized industrial projects requiring such parcels." (p.25)

The proposed Annexation and Amendment of the Comprehensive Plan and Zoning Ordinance complies with the current plan and specific goals:

1) Adequate size: The most recent campus type of electronic industry that has proposed located in Linn County, Oregon, has selected a site of over 200 acres, Hewlett Packard selected a site in Benton County for over 100 acres. The proposed area is of adequate size to interest such companies.

There is no industrial area in Albany of similar size that is available for use. While there are large areas of industrial property North of Albany, such areas are owned by industry and not for sale.

Heavy industry such as exists north of Albany is not compatible with the light industry or electronic industry due to the environment surrounding the heavy industry. The proposed location is advantageous for light industry by reason of the distance for the heavy industry and is protected from such incompatible use.

97

A₃

This proposed area does meet both specific goals quoted above.

2) The Existing Comprehensive Plan provides:

"The existing industrial base of the City is highly diversified and capable of much expansion. Excellent access to major transportation systems makes several areas favorable for future development of industry." (p. 23)

Some considerations which make the areas especially suitable follow as:

"1) They are well situated with respect to major transportation systems--in particular, Interstate 5, Highways 99E and 34, Southern Pacific, Burlington Northern, and Oregon Electric Railroads, and the Willamette River. 2) They are located within short traveling distances of large residential areas. 3) They are unusually well protected from surrounding resident areas by buffer zones of various types (i.e. rivers, highways, open space, natural vegetation)." (p. 23, 24)

The proposed annexation area complies with the above portion of the existing comprehensive plan.

3) Transportation and Roads:

There is immediate access to Highway 99E and Highway 34 and I-5 by existing State and Federal roadways.

It is served by two county roads, Ellingson Lane and Moreland Lane.

In addition, it complies with the Interim Highway Plan and would utilize the Extension of Allen Lane to an intersection with I-5 at the Seven Mile Lane Overpass.

It would also be served by the extension of Lockner Road as proposed by the Interim Highway Plan.

One of the most important transportation services is the railroads. Southern Pacific Mainline service is adjacent to the West Boundary for its entire length. This railroad service makes the property uniquely desirable for industrial use and likewise, undesirable for residential purposes. Railroad frontage is one of the most limited factors of good industrial sites. The proposed property is uniquely situated to comply with the existing and future transportation goals of the Comprehensive Plan.

210

A3

4) Availability of City Services:

The proposed annexation property is within the study area of the "Sewage Report for the Northeast and Southeast Albany Urbanizing Area," prepared by CH₂M. This report indicates a 36" Pacific Interceptor Main extending to the intersection of Pacific Blvd. and Allen Lane and a future sanitary sewer of 21" extending along Ellingson Lane. The Pacific Interceptor Sewer has been extended to Linn Benton Community College and is accessible to serve the proposed annexation property.

Pacific Power & Light has extended a 16" water main along Pacific Blvd. to which portion of the proposed site are adjacent. City water is therefore available to serve this site.

In addition, Pacific Northwest Natural Gas mainline also extends to the length of the property along Pacific Highway 99E and is also available to the property.

The existing Comprehensive Plan recommends industrial Uses to be extended when such areas can be served with sewer and water. The proposed annexation and amendment of the Comprehensive Plan and Zoning Ordinance complies with said Comprehensive plan.

2

Public Need: The proposed annexation and amendment of the Comprehensive Plan and Zoning can best meet the public need for light industrial uses and zoning versus other available property.

1) All matters set forth under sub-title "1" are pertinent to this item and are by this reference incorporated herein.

2) There is a need for large sites for light industry because none exist at the present time.

3) Existing industrial property is presently held by industrial ownership for their own uses and although vacant in part, it is not available for new industry.

4) Heavy Industrial zoned land is not compatible with many types of light industry and there is no industrial property suitable for light industry of the campus type in the industrial area North of Albany.

5) For the past few years industries which desired location for new electronic type industrial use have considered the proposed parcel as well-suited to their needs.

It would be an inducement to the location of such industries in Albany to have suitable property available for immediate occupation properly zoned.

28

A3

Compliance with LCDC goals and guidelines: The proposed annexation complies with LCDC goals and guidelines. It is within the Urban Growth Boundary of the City of Albany. It has city service available.

The property has previously been zoned M-2 and rezoned as an interim zone, I.F.F., in recognition of subsequent need for urban use.

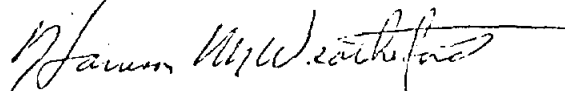
The property is not in any flood plain.

The property is within the Comprehensive Plan of the City of Albany.

Attached hereto in support of the petition for your consideration is information prepared by Amundson and Associates, Architects and City Planners in 1974. The comments are appropriate for the present annexation. Corrections have been interlined as to distances occasioned by the joining of more landowners in the present petition.

Xerox copies of aerial photographs are also attached for consideration and as an aid in support of the petition.

Respectfully submitted,



Harrison M. Weatherford

30

PROPOSED ANNEXATION OF LIGHT
INDUSTRIAL COMMERCIAL C1 PROPERTY
TO THE CITY OF ALBANY

COMPLIANCE WITH LCDC GOALS AND GUIDELINES

*Submitted
as separate
packet for
4/2/79
agenda
Applicants
Findings*

A3

Goal 1. Citizen Involvement

Citizen Involvement with industrial use of the proposed annexation property began prior to 1969 in connection with enactment of the Linn County Zoning Ordinance. Linn County established 11 Zoning Advising Committees and the ZAC recommendations were M-2 industrial use.

The Linn County Zoning Commission held several public hearings on the proposed M-2 Industrial Zoning which were well attended by the public and all citizens wishing to be heard spoke on the subject.

The proposed annexation property as a result of the input of ZAC, individual citizens and the Linn County Planning staff, was zoned M-2 industrial by Linn County Zoning Commission and Linn County in 1969.

Further Citizen Involvement includes Project 80, a Citizen Advisory Group, established by the City of Albany for the 1970 Comprehensive Plan. The Project 80 Committee recommended that the proposed annexation project be included as industrial M-2 property in the Albany Comprehensive Plan in the April 29, 1971, recommendations.

"The area north of the City along Interstate 5 should be zoned industrial. The area along I-5 at Truax Creek as indicated on the map should be zoned wholesale warehousing. The existing interim industrial zoning south of the city, to Highway 34 should be retained; however, development should only be allowed progressively southwest from the current city limits with the extension of sanitary sewers. Industrial Planning Development controls should be applied to all industrial zones."

Project 80 held many public hearings on the proposed Comprehensive Plan and all citizens were afforded opportunity to be heard.

Further citizen input was provided for the Linn County Comprehensive Plan and the ZAC recommendation included the proposed annexation property be included in the Linn County Comprehensive Plan as M-2 industrial.

31

113

The Albany Chamber of Commerce and Albany Chamber of Commerce Industrial Committee also provided citizens input by resolution attached as Exhibit (1).

The LCDC required Albany to establish an urban growth boundary in Linn and Benton Counties and Albany, Tangent and Millersburg held joint meeting in 1976 and 1977 to receive public input and did establish an urban growth boundary which encompasses the proposed annexation property.

Findings of Fact on Citizen Involvement, LCDC Goal 1:

Linn County and the City of Albany created Citizens Advisory groups which have considered and acted upon industrial use of the proposed annexation property and have universally recommended the area proposed to be annexed be used for industry. The Albany Chamber of Commerce and its Industrial Committee have also formally contributed advice on the industrial use of the proposed annexation and have recommended industrial use.

There has been extensive citizen involvement upon the proposed Comprehensive Plan and zoning of the proposed annexation property since 1969 to date and all official Citizen Advisory groups have supported the proposed Comprehensive Plan and Zoning of the proposed property as M-2, Light Industrial property for all that portion E of the SPRR track.

The 3.66 acres west of the SPRR tracks has likewise had some citizen involvement in its previous zoning as Business Professional zone and adjacent to the City of Albany C-1 zoned property.

Goal 2. Land Use Planning

Linn County and the City of Albany have engaged in Land Use Planning through its agencies, City and County, of Planning Commissions, Planning Staff and the governmental bodies of Commissioners and City Council.

The proposed annexation property has been the subject of such planning since 1969 and is included in the present County Comprehensive Plan as Urban and Agricultural land.

It is presently zoned as I.F.F., an interim zone, recognizing the need for the urban use of the land.

Linn County zoned the subject premises M-2 (Exhibit 2) in 1969.

In recommending the dezoning of the land East of the SPRR track from M-2 to I.F.F. in 1970-1971, the Linn County

52

A3

RESOLUTION RE INDUSTRIAL ZONING

WHEREAS, the Linn County Court has previously zoned the following area:

"That area generally bounded by Oregon Highway 34 on the South, Oregon U.S. Highway 99E on the West, Albany's Pacific Boulevard and Jackson Street on the North, and generally a southerly extension of Hill Street, South of the Pacific Power and Light Canal, on the East"

as industrial and classified variously as M-1, M-2, and M-3, and

WHEREAS, the foregoing area has been thoroughly studied by the Linn County Planner, by the Linn County Planning Commission and at numerous public hearings, and

WHEREAS, as a result of the foregoing intensive study, it has been determined by the Linn County Court that the foregoing zones are the highest and best use of the described property and in the best interests of all residents of the Mid Willamette Valley area, and

WHEREAS, zoning of sufficient land area is required for the support of the local, regional and state's economic base, and

WHEREAS, development of the above-described and zoned area is regulated through ordinances and performance standards on record with the City of Albany, Linn County, Mid Willamette Air Pollution Authority and the Oregon Department of Environmental Quality,

NOW, THEREFORE, be it hereby

RESOLVED: That the Albany Area Chamber of Commerce hereby supports retention of the zoning designations hereinabove described as previously passed by the Linn County Court and its Board of Commissioners.

ADOPTED this 23rd day of June, 1971, by the Board of Directors of the ALBANY AREA CHAMBER OF COMMERCE.

By Glenn Cushman
President

ATTEST: Joni Barrett
Secretary

The foregoing resolution was adopted by the Industrial Committee of the Albany Area Chamber of Commerce on the 23rd day of June, 1971 and is hereby recommended for adoption by the Board of Directors of the Albany Area Chamber of Commerce.

EXHIBIT 1

Jim Smith
Industrial Committee Chairman


Confirmed by the Industrial Committee by telephone poll on the date at the Board of Directors Feb 28, 1972

A3

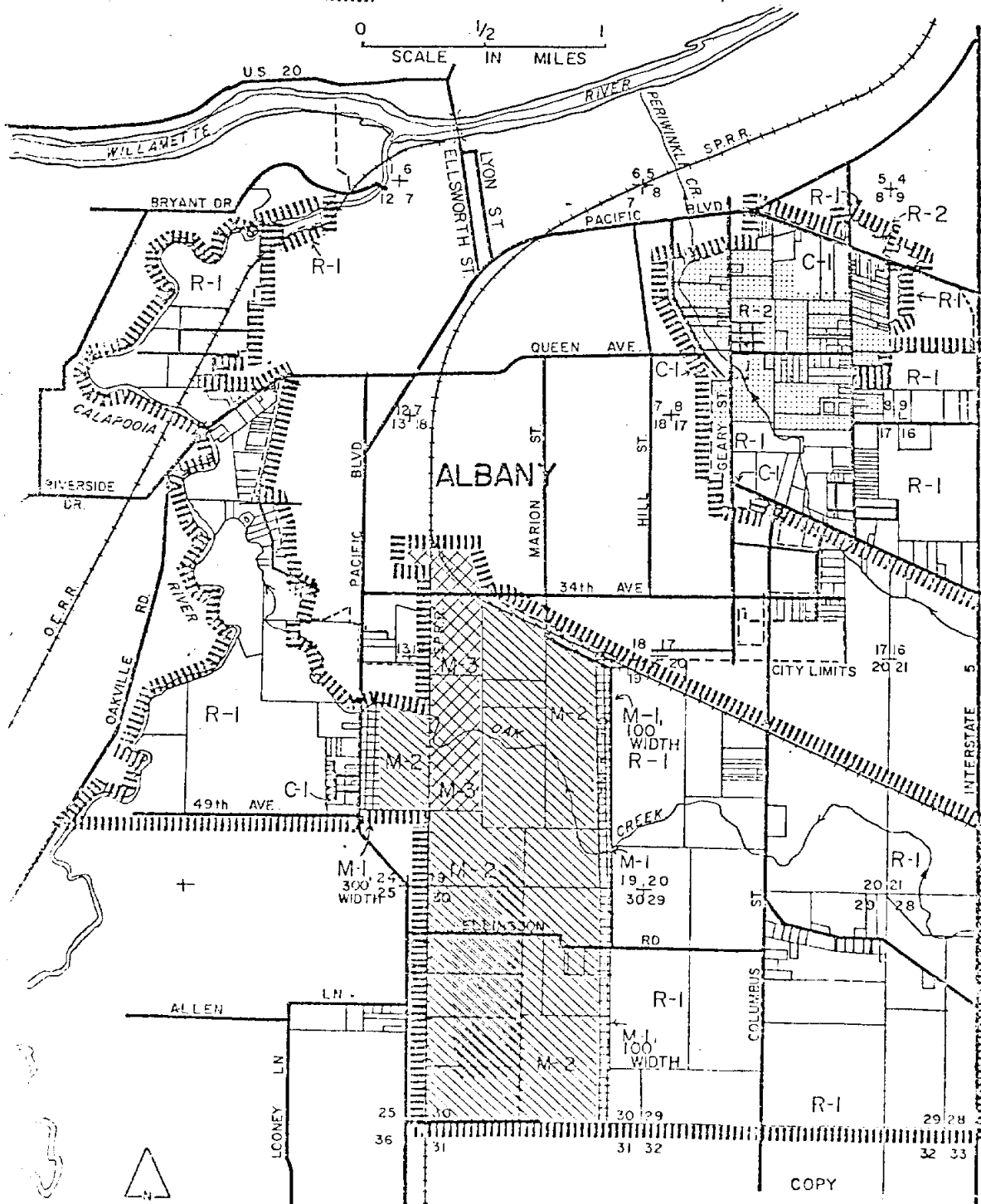
SOUTH ALBANY AREA

ZONING MAP NO. 69-3007

ADOPTED AS PART OF ORDINANCE NO. 69-3007 ON 17 SEPTEMBER 1969

BOUNDARY OF AREA 

T11S, R38 4 W. W.M.



PREPARED BY LINN PLANNING OFFICE

A3

Planning Staff advised as follows:

"There is little question that the area under discussion lies in a probable growth path of Albany. What type of use may be most desirable, practical and necessary and when it will be needed at this point in time is simply unknown. The area potentially could develop industrially, residentially or commercially, if such use were necessary. With proper review with the City of Albany, and analysis of future growth in the next few years, many of the questions which are unanswerable at this time will be answered by actual facts and emerging development patterns. Until further growth actually occurs, the use of the IFF Zoning District as shown on Map "B" seems well advised"

There has been no revision of the Comprehensive Plan or Zoning of the proposed annexation property since the first plan and IFF zone was enacted. Linn County Planning Staff is presently engaged in revising the Comprehensive Plan of the proposed annexation area but is in the initial stages of such revision.

The City of Albany has recently extended the City Limits South to Allen Lane and since no review of the existing Comprehensive Plan and Zoning has occurred at 2-year intervals and the expansion of the city southward, the Comprehensive Plan change as requested is consistent with the existing Comprehensive Plan and Land Use Planning of the City of Albany and Linn County.

Findings of Fact on Land Use Planning, LCDC Goal 2:

The City of Albany and Linn County have established a land use planning process and policy framework as a basis for deciding the use of the proposed annexation property. The established process has consistently recognized the proposed annexation property to be proper for urban industrial use through duly enacted Comprehensive Plans and Zones.

The established revision process of the governmental units have currently included the proposed annexation property with the City of Albany Urban Growth Boundary.

The existing Comprehensive Plan and implementaions and zoning have not been revised since enactment in 1971-1972 and 1974 and since said enactment, Albany Urban Growth and city boundaries have extended southward to Allen Lane and adjacent to the subject annexation property.

There is now a public need for revising the existing Comprehensive Plan and Zoning due to the increased rate of development of the City of Albany to the South from Agricultural Use to Light Industrial Use for that portion E of the railroad tracks and from R-P to C-1 for the 3.66

A3

acres West of the SPRR tracks.

Goal 3. Agricultural Lands

The LCDC Goal for Agricultural Land is stated as follows:

"Agriculture lands shall be preserved and maintained for farm use, consistent with existing and future needs for agricultural products, forest and open space. These lands shall be inventoried and preserved by adopting exclusive farm use zones pursuant to ORS Chapter 215."

The proposed annexation property is not within an exclusive farm use zone.

The proposed annexation property produces annual rye grass seed. There is not an existing or future need of this agricultural product as it is now in such a surplus position that it cannot be sold at the cost of production. (Exhibit 3, 1979 Pac. N. W. Agricultural Situation and Outlook, Annual Ryegrass, page 8)

The soil types are: Dayton, Class IV; Amity, Class IIw; Concord, Class IIIw; Woodburn, Class IIw; and Willamette, Class IIw. These types of soil have not been used in this area for food production.

There is no shortage of farmland resulting from Urban use of farmland. On the contrary, according to surveys conducted by the U. S. Department of Agriculture, three times more agricultural land is put into production than is taken out. (Exhibit 4 and 5).

LCDC factors to be considered in the conversion of rural agricultural land to urbanized land are "(1) environmental, energy, social and economic consequences; (2) demonstrated need consistent with LCDC goals; (3) unavailability of an alternative suitable location for the requested use; (4) compatibility of the proposed use with related agricultural land; and (5) the retention of Class I, II, III and IV soils in farm use".

The conversion of the proposed annexation property from agricultural land to urban land meets the above factors.

Environment is enhanced by reducing field burning acreage when converted from grass seed production to industrial use.

Energy is conserved by establishing industrial use close to residential areas, existing transportation facilities and public utility service.

A₃

• *Annual Ryegrass.* Annual ryegrass, for the second consecutive year, is in difficulty. The production of 231.2 million pounds in 1977 was 40 percent greater than the previous year and the largest output to be recorded for several years. This voluminous outturn, coupled with poor spring 1978 movement, resulted in a carryover in dealers hands of 32.1 million pounds, a 55 percent increase over the previous year. This carryover in dealer hands, plus that in producers' hands, plus the 1978 crop estimated at from 180 to 190 million pounds, have resulted in low prices. Some of the dealers holding excess stocks have tried to liquidate by selling at almost any price offered. These actions have demoralized the market. Prices to growers are definitely below total cost of production.

Projections for the 1979 crop are not bright. With cattle numbers off heavily in the southeastern states, the demand for annual ryegrass for winter grazing has not held up. Carryover on July 1, 1979 is likely to be larger than in 1978. Furthermore, the acreage to be harvested in 1979 appears to be about the same as in 1977 and 1978. If yields approximate the 1700 pound average of the 1977 crop, grower prices could fall to very low levels. Producers should place special emphasis on economizing wherever possible in growing, harvesting, and marketing the 1979 annual ryegrass crop.

A₃

CROPLAND COUNT . . . Rapid urbanization has had little impact on the total amount of U.S. cropland, according to USDA economists, even though more than 3.5 million cropland acres were lost to urban areas in the last 10 years. For every acre so taken, five or six times as much crop area was shifted to lower intensity agricultural or forestry uses, or was idled simply because cropping was not profitable. Irrigation, drainage, and clearing added three times as much land annually to the cropland base as urbanization absorbed.

AGRICULTURAL SITUATION

JULY 1974 • VOL. 58 NO. 6

GERALDINE SCHUMACHER, EDITOR

The Agricultural Situation, published 11 times a year by USDA's Statistical Reporting Service, is distributed free to crop and livestock reporters in connection with their work. Contents of the magazine may be reprinted without permission. Use of funds for printing this publication were approved by the Office of Management and Budget, January 15, 1971. Subscription price \$2.40 a year (\$3.00 foreign). Single copies 25 cents. Order from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

July 1974

A3

AMPLE LAND 2000 A.D. . . . We are in no immediate danger of running out of farmland, say USDA economists, even though thousands of acres are shifted to other uses each year. Assuming continued gains in production per acre of land farmed and a modest increase in the total U.S. population, the economists project we'll need to harvest 292 million crop acres in 1980 and 272 million in 2000. However, these projections don't take into account the sharp rise in exports we've experienced in the past 2 years. If our exports stay high, our harvested acreage needs will rise to about 304 million in 1980 and 309 million in 2000. But even at the highest level, we've more than enough land to ensure all our domestic food and fiber needs and meet other nonagricultural uses, too, at least into the next century.

AGRICULTURAL SITUATION

OCTOBER 1974 • VOL. 58 NO. 9
GERALDINE SCHUMACHER, EDITOR

The Agricultural Situation, published 11 times a year by USDA's Statistical Reporting Service, is distributed free to crop and livestock reporters in connection with their work. Contents of the magazine may be reprinted without permission. The Secretary of Agriculture has determined that the publication of this periodical is necessary in the transaction of the public business required by law of this Department. Use of funds for printing this publication were approved by the Office of Management and Budget, January 15, 1974. Subscription price \$2.40 a year (\$3.00 foreign). Single copies 25 cents. Order from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

A
3

Social and economic consequences are beneficial in that the area is within the adopted urban growth boundary. It will utilize City of Albany existing sewer mainlines and Pacific Power & Light water service. The addition of Light Industrial will further diversify the economic stability of the area and provide additional employment.

There is no other area available for light industry in the amount of land now being sought by industry seeking sites for clean industry. There has been and is a present demand for large sites, 50 to 200 acres for electronic and related industry which would be compatible with the adjacent usage.

There is no need for this land as grass seed producing land as stated above.

Reduction of grass seed acreage would be beneficial to the improvement in price of other grass seed production by reducing the surplus production.

Findings of Fact on Agricultural Lands, LCDC Goal 3:

It is not consistent with existing and future needs for the agricultural products produced upon the proposed annexation property, grass seed, to preserve and maintain the proposed annexation property as agricultural land.

The proposed annexation property is within the urban growth boundary of the City of Albany.

Open space and wooded land remains in flood plain and adjacent agricultural land in great quantity.

The transition from agricultural land to the use proposed by the annexation would have beneficial environmental, energy, social and economic consequences. It is a transition that has been foreseen and planned as the city developed by interim zoning and plans which recognized urban expansion and industrial use of the property. The environmental, energy, social and economic consequences are a part of the planned growth of the City of Albany, necessary to the utilization of city facilities, adjacent land, employment and public service to the area.

The proposed use is needed by the City of Albany consistent with Goal 14 and to provide an orderly growth of the city and sufficient industrial land to meet present day industrial site requirements.

The city of Albany has no alternate suitable location for light industry. Existing industrial property is privately held by industrial ownership for their own use and is not available or suitable for light industry.

A₃

Suitable locations for light industry is in the proposed annexation area, removed from the heavy industry of the area and its effect on the environment. The proposed annexation is an area best suited for light industry and no other such area exists within the City of Albany.

The proposed annexation property use is compatible with and beneficial to related agricultural land. There is an oversupply of annual rye grass land and related grass production causing costs of production to exceed the price of the agricultural product. The reduction of land producing the grass seed would benefit the remaining producers. There is no shortage of agricultural lands and the proposed annexation would have no adverse effect on agriculture.

The soils are within the classes of soils to be retained in farm use. All lands surrounding the City of Albany are of a similar class. The city must expand to comply with Goal 14, Urbanization, and provide areas suitable for all urban uses, and thus use soils within the classes I through IV to meet the LCDC requirements as a whole. The urban growth boundary encompasses the proposed annexation property and the proposed annexation is necessary to meet Goal 14 of the LCDC.

Goal 4. Forest Lands

The proposed annexation contains no forest land to be conserved for forest areas.

Findings of Fact on Forest Lands, LCDC Goal 4:

The proposed annexation area is not forest land and Goal 4 LCDC does not apply to the proposed annexation.

Goal 5. Open Spaces, Scenic and Historic Areas, and Natural Resources:

The proposed annexation area is land used for agricultural use and thus within the definitions of LCDC Goal 5. Said area is also with Goal 3 and Goal 14.

There is no scenic or historic area or natural resource in the proposed annexation area.

The proposed annexation area is designated as urban area, as to the westerly portion, in the Linn County Comprehensive Plan. It is also within the urban growth boundary of the City of Albany.

A3

Since the open space goal is also the LCDC specific goal 3, agricultural land, all matters pertaining to goal 3 apply here.

The proposed annexation area has not been designated as open space and therefore, goal 5 does not apply because of goal 5's provision, "Where no conflicting uses for such resources have been identified, such resource shall be managed so as to preserve their original character."

Conflicting uses have been identified in relation to the subject annexation property by the Urban Growth Boundary determination, existing I.F.F. zoning and Comprehensive Plan designation as urban area as well as previous zoning as M-2 industrial property.

Findings of Fact on Goal 5:

Goal 5, open spaces, scenic and historic areas, and natural resources, does not apply to the proposed annexation area as said area is within the urban growth boundary of the City of Albany and has previously been zoned by the county as Interim Farm use subject to future developmental needs of industry and other urban uses. It has never been designated as open space or other goal 5 resource and said land is not within the LCDC goal 5. The proposed annexation area has been and is identified by Plan, urban boundary and zone an area of conflicting use to goal 5 LCDC and therefor such goal is not applicable.

Goal 6. Air, Water and Land Resources Quality

The proposed annexation property is presently being utilized in the production of grass seed crops. To properly produce grass seed, field burning of the crops residue is required. Conversion of the annexation property to industrial use would eliminate the field burning required on the proposed annexation area and thus improve the air quality of the State by the reduction in field burning area.

In January of 1970, the City of Albany employed the firm of Cornell, Howland, Hayes & Merryfield, engineers and planners, to prepare a sewage system study for the southeast Albany urbanizing area, at the cost of approximately \$25,570.00. In figure 1 of said study, "study area boundary, land use classification within study boundary, design population densities." The proposed annexation area is designated as industrial use. (Exhibit 6 attached).

113

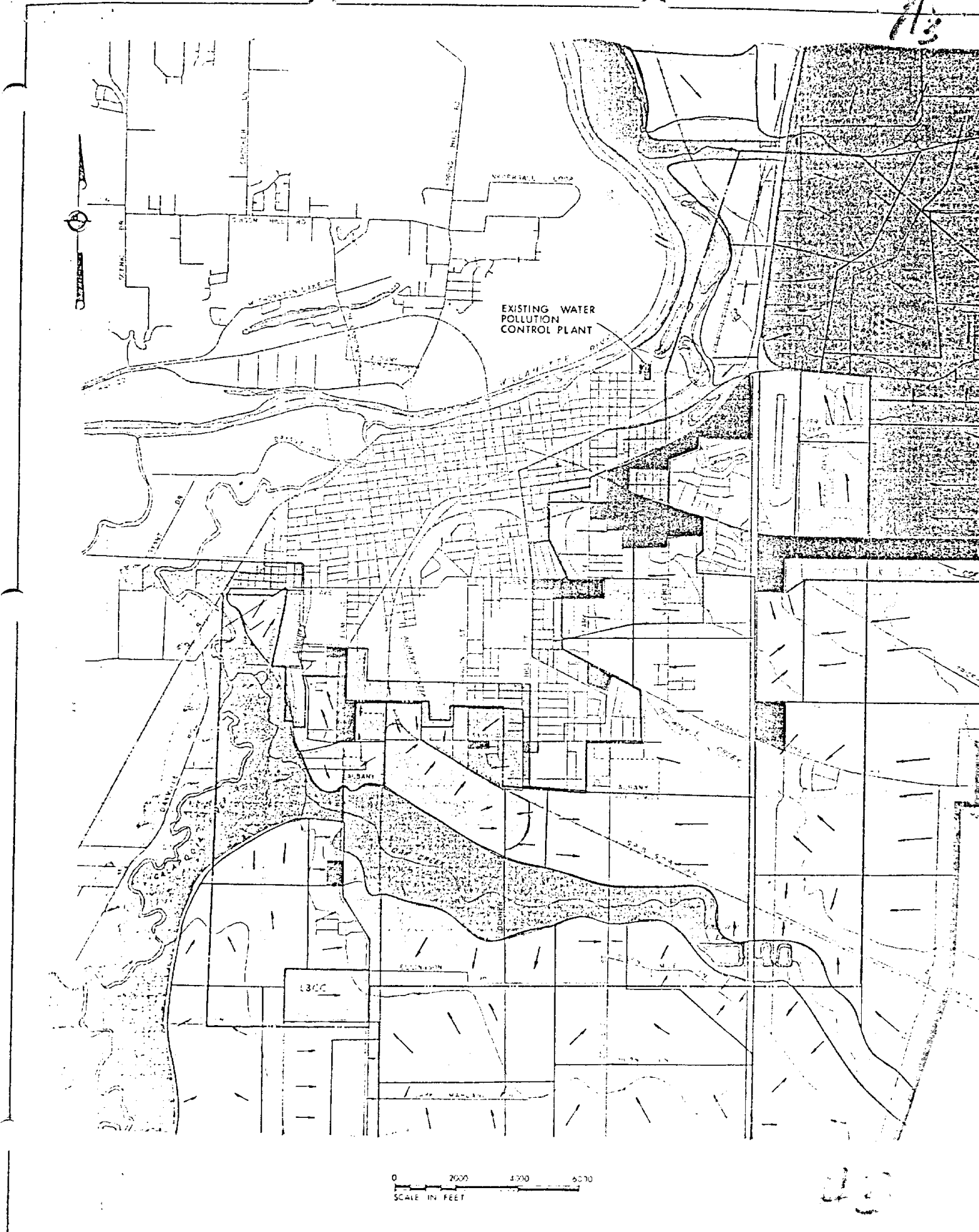
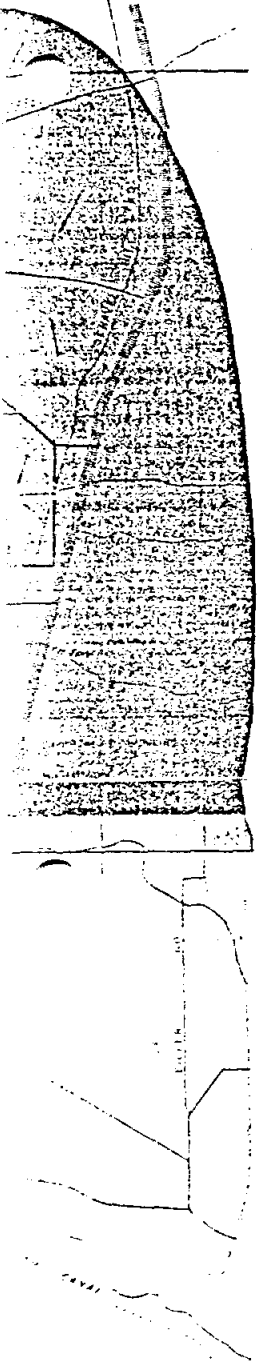


EXHIBIT 6 - page 1

113



LEGEND

- CONTRACT STUDY AREA BOUNDARY
- LOCAL DRAINAGE AREA BOUNDARY
- ALBANY URBANIZING AREA BOUNDARY

LAND USE CLASSIFICATION



FLOOD PLAIN AND AGRICULTURAL



RURAL RESIDENTIAL



LOW DENSITY RESIDENTIAL



MEDIUM DENSITY RESIDENTIAL



HIGH DENSITY RESIDENTIAL



COMMERCIAL



INDUSTRIAL

5 INDICATES DESIGN POPULATION DENSITY PER ACRE FOR LAND USE CLASS

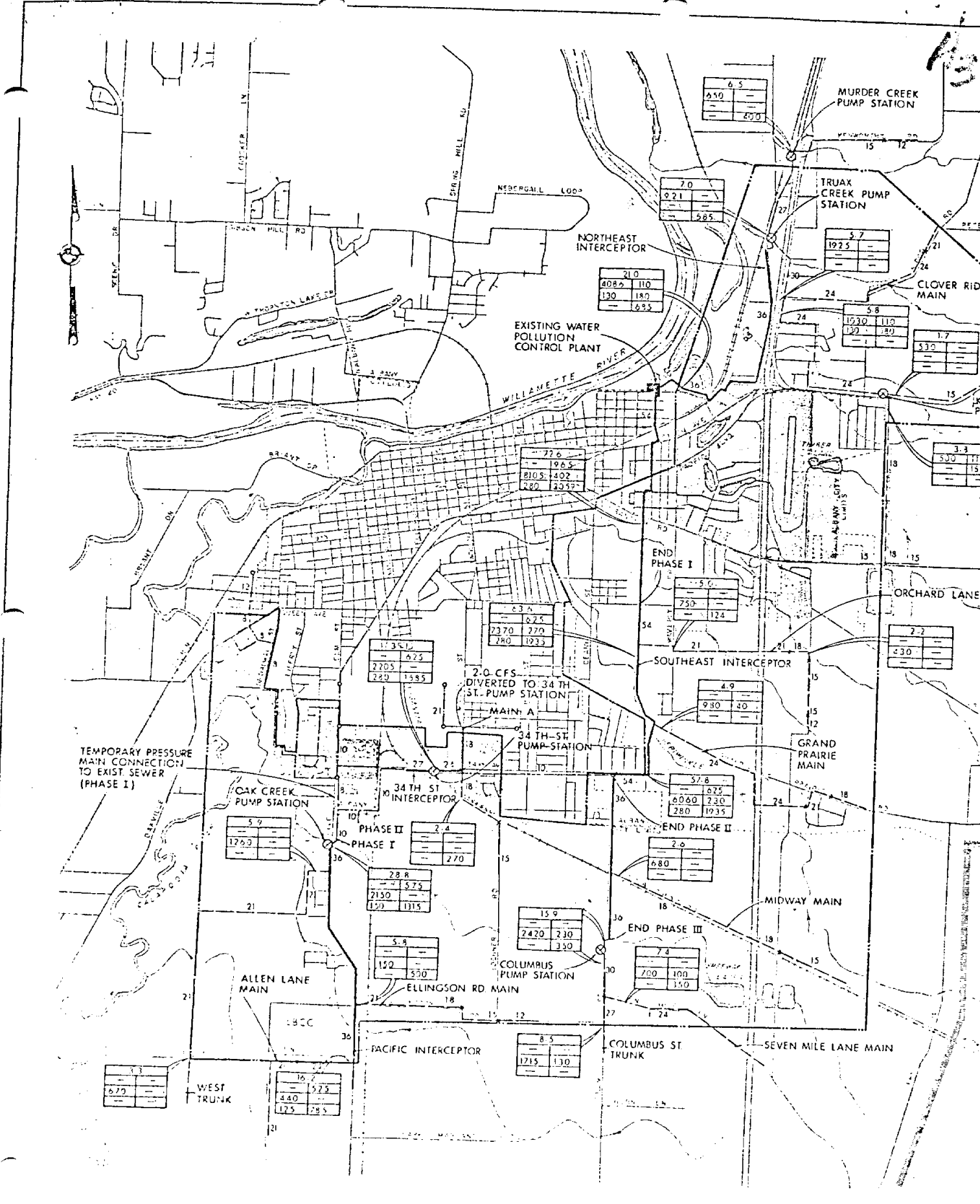
* SEE CHAPTER II FOR DISCUSSION OF INDUSTRIAL FLOW

— / — GENERAL DRAINAGE PATTERN

FIGURE 1
 CITY OF ALBANY, OREGON
 SANITARY SEWER STUDY
 STUDY AREA BOUNDARY
 LAND USE CLASSIFICATION WITHIN
 STUDY BOUNDARY
 DESIGN POPULATION DENSITIES

40





TEMPORARY PRESSURE
MAIN CONNECTION
TO EXIST SEWER
(PHASE I)

OAK CREEK
PUMP STATION

2.0 CFS
DIVERTED TO 34 TH
ST. PUMP STATION

34 TH ST.
PUMP STATION

ALLEN LANE
MAIN

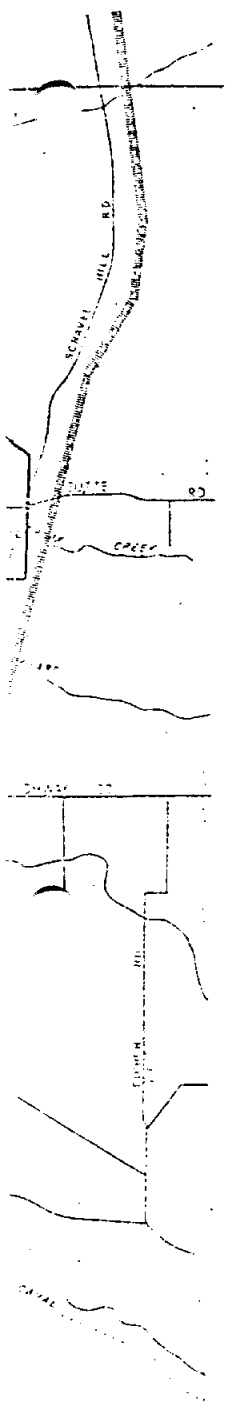
ELLINGSON RD MAIN

PACIFIC INTERCEPTOR

COLUMBUS ST
TRUNK

SEVEN MILE LANE MAIN

0 2000 4000 6000
SCALE IN FEET



LEGEND

- STUDY AREA BOUNDARY
- ALBANY URBANIZING AREA BOUNDARY
- 48 52 ——— PROPOSED INITIAL SANITARY SEWER
NUMBER INDICATES DIAMETER IN INCHES
- 21 24 ——— FUTURE SANITARY SEWER
NUMBER INDICATES DIAMETER IN INCHES
- 21 ——— EXISTING SANITARY SEWER
NUMBER INDICATES DIAMETER IN INCHES
- ⊗ PROPOSED PUMP STATION
- 10 ——— PRESSURE MAIN
NUMBER INDICATES DIAMETER IN INCHES
- ▨ AREA WITHIN STUDY LIMITS THAT CAN BE SERVED, OR IS ALREADY SERVED BY EXISTING SANITARY SEWER MAINS

RR	HDR
LDR	COMM
MDR	IND

ULTIMATE FLOW IN CUBIC FEET PER SECOND. FLOW IS BASED ON DESIGN CRITERIA OF TABLE 5. FLOWS SHOWN FOR SOUTHEAST INTERCEPTOR AND 34TH ST. PUMP STATION INCLUDE ANTICIPATED FLOWS TO BE RECEIVED FROM AREA SOUTH OF OAK CREEK

TOTAL TRIBUTARY AREA (ACRES) UPSTREAM FOR LAND USE CLASS SHOWN. REFER TO FIGURE 1 FOR LAND USE.

- RR RURAL RESIDENTIAL
- LDR LOW DENSITY RESIDENTIAL
- MDR MEDIUM DENSITY RESIDENTIAL
- HDR HIGH DENSITY RESIDENTIAL
- COMM COMMERCIAL
- IND INDUSTRIAL

FIGURE 6
CITY OF ALBANY, OREGON
SANITARY SEWER STUDY
PROPOSED ULTIMATE SEWER SYSTEM



43

Figure 6, the "proposed ultimate sewer system" indicated the Pacific interceptor sewer mainline of 36" extended south along 99E to Allen Lane and a 21" mainline extending eastward along Ellingson Lane from the Pacific Interceptor north of the proposed annexation property. (Exhibit 7 attached) The Pacific Interceptor sewer has been installed at a cost of \$1,209,119.50. The existing plan and the existing construction provides an available sewer service for the proposed annexation area in compliance with Goal 6 of the LCDC.

In addition to having city sewer available, Pacific Power & Light Company has installed a 16" water main in the 99E right-of-way at a cost of \$103,000.00. By reason of this water main, city water is available to serve the proposed annexation area.

In addition to the above services, Pacific Northwest Natural Gas has a gas main extending along 99E right-of-way which is available to serve the proposed annexation area with natural gas.

Findings of Fact on Goal 6:

All waste and processed discharges from the proposed future industrial development will not threaten to violate applicable state or federal environmental quality statutes, rules and standards. The discharges do not exceed the carrying capacity of the sewer resources existing and planned to serve the proposed annexation area by the City of Albany. The proposed annexation area does have planned waste and processed discharge and a planned supply of water and energy to suitably serve the proposed annexation area as an industrial area.

Goal 7. Area Subject to Natural Disasters and Hazards

The proposed area is not subject to natural disasters and hazards of any foreseeable nature.

Findings of Fact on Goal 7:

The proposed annexation area is not a known area of natural disaster and hazards and LCDC Goal 7 does not apply to this proposed annexation property.

Goal 8. Recreational Needs

The proposed annexation area has not been and is not planned to be a recreational area. There is no need for this area as a recreational area to meet the needs of the citizens of the state and visitors.

Findings of Fact on Goal 8:

A3

The City of Albany has sufficient recreational areas to meet the needs of its citizens through existing private and public facilities. The proposed annexation area is not identified as necessary to satisfy the recreational needs of the citizens of the state and visitors. Goal 8 does not apply to the proposed annexation area.

Goal 9. Economy of the State.

LCDC Goal 9 is "to diversify and improve the economy of the state". The proposed annexation area will contribute to the diversification and improvement of the economy of the state by providing an excellent site for clean industry to locate within the State of Oregon, and thus, improve employment of citizens in a diversified industrial base for the economic well-being of the local, regional and state needs.

For several years, various clean industries have been looking at sites for location of new clean industry to be located within the State of Oregon. The proposed annexation site has been considered by said industries to be suitable for their location. Many of the prospective industrial uses have included electronic manufacturers such as Hewlett Packard and Tetronics. The proposed annexation area is suitable for increased economic growth and activity.

The region has a great advantage for the proposed developments in that it is located within the City of Albany service area. It is free from other heavy industry uses and environment which would be detrimental to light industry and in particular the electronics industry. The natural resources of the proposed annexation area are a good level area above the flood plains, adequately served by transportation and roadways. The proposed area is adequately served with electric power through Pacific Power & Light Company and Consumers Power Company as well as Pacific Natural Gas.

Findings of Fact on Goal 9:

The proposed annexation area meets Goal 9 of the LCDC and would diversify and improve the economy of the State. The proposed area is suitable for increased economic growth and activity. There is adequate and sufficient materials and energy available for the development and adequate and sufficient labor available. There is no other available land for the industrial requirements and the proposed area is adequately served by existing and planned sewer service and existing water service adjacent to the area.

48

A3

Goal 10. Housing

Goal 10 is to provide for the housing needs of the citizens of the State. The city of Albany has provided for Goal 10 in other areas within the city of Albany and Goal 10 is not applicable to the proposed annexation property.

Findings of Fact on Goal 10:

Goal 10 is not applicable to the proposed annexation area and has been adequately met by previous annexations to the city of Albany and existing plans for further housing development within the city of Albany.

Goal 11. Public Facilities and Services

The proposed annexation area can be adequately served by existing and planned sewer service, existing water service as previously set forth in Goal 6, which is incorporated herein. Fire protection can be provided from the Albany Fire Substation on 34th Street as well as the main fire station at 6th and Lyons Streets. Ready access to the area is provided by federal highways being main arterial streets and secondary arterial streets being 34th Avenue.

Energy is provided by the Pacific Northwest Natural Gas main existing adjacent to a portion of the annexation area on 99E as well as electrical energy available from existing mainlines, the Pacific Power & Light and Consumers Power Company.

Findings of Fact on Goal 11:

The City of Albany has planned and developed an orderly and efficient arrangement of public facilities including sewage, water, fire protection to serve for urban development of the proposed annexation property. Public utilities have further provided sources of energy adjacent to and close by the proposed annexation site which can speedily and adequately serve industry upon the proposed annexation site. The proposed annexation meets Goal 11 in the LCDC.

Goal 12. Transportation.

The proposed annexation area has been incorporated within the City of Albany interim highway plan. Existing access to the property is primarily through U. S. Highway 99E and the county road at the northern portion of the property known as Ellingson Lane and the county road at the southern boundary of the property known as Morland Lane and more recently Beta Drive. The Southern Pacific railroad tracks serves the property and is adjacent to

49

A
3

the property for its full western boundary. Oregon highway 34 intersects with 99E approximately one mile south of the proposed annexation property and highway 34 in turn intersections with I-5 approximately 1 1/2 miles east of the Highway 99E intersection. Lockner Road and Columbus avenue provide access to the proposed annexation property from the city of Albany as well as Pacific Blvd. also known as Highway 99E. The proposed annexation site is adequately served by existing transportation facilities. In addition, the interim highway plan of the City of Albany proposes the extension of Allen Lane through the center of the proposed annexation property, east to west, to intersect with I-5 at the present 7 mile lane overpass. The said highway plan further proposed an extension of Lockner Road to Highway 34, both of these proposed streets would enhance the use of the property to provide greater access to the area. The Albany area and the proposed annexation site would also be served by many motor freight trucking companies both interstate and intrastate as well as local trucking companies which adequately serve all existing industry and are adequately staffed to serve the proposed annexation areas' industry.

Findings of Fact on Goal 12:

The proposed annexation site is adequately served by the transportation needs of such a site by existing roadway systems including freeways and state and federal highways as well as other public roads in existence. In addition, proposed area has been included in the interim highway plan for additional highways and freeway interchanges which would serve said proposed area. That said proposed industrial area is adequately served by railroads and truck systems and the said transportation system provides easy and good access to said proposed annexation area for both personnel and products and said proposed annexation conforms to Goal 12 of the LCDC.

Goal 13. Energy Conservation

The proposed annexation site would conserve energy by providing a source of employment close to residential areas. It is located along a high capacity transportation corridors and therefore, can achieve greater energy efficiency by being located immediately upon mainline railroads, federal highways and immediately available to interstate freeways through state and federal highway systems. Traffic through the city would be minimized by the location of the freeway access which would divert industrial output to be moved by truck freight to the freeway through the closest access to interstate 5 which would be via 99E to Highway 34 and thus on to I-5.

Findings of Fact on Goal 13:

50

A
3

The proposed annexation area will conserve energy in that it will combine increasing density along high capacity transportation corridors and thereby achieve greater energy efficiency. It will locate employment nearby residences thereby reducing travel time of employees and permitting non-automotive means of travel to and from work by many employees. The location of the industrial site upon the mainline of the Southern Pacific Railroad conserves energy for rail transportation by its immediate availability and in addition, the easy access to interstate freeways and state and federal highways further increase accessibility of the property for industrial transportation thereby reducing the energy requirements to move the products to and from the area to their ultimate destination. The proposed annexation meets Goal 13.

Goal 14. Urbanization

The proposed annexation provides an orderly and efficient transition from rural to urban land use. The urban growth boundary has been established to identify and separate the proposed annexation property from rural land. There has been a demonstrated need for light industrial acreage to accommodate new industry seeking to locate within this area and further improve the economic stability of the community. The use of the proposed annexation as industrial property is a maximum efficient use of said land in that there exists both ease of access to the said area from the urban portion of the city as well as ease of transportation of the produced products by rail and interstate highway from proposed tracks along different routes. The use is further the most maximum efficient use of the property in that it will utilize sewage facilities planned for industrial use for the specific area and will utilize existing water mains which are sufficient in size to serve the particular area as industrial property and thus maximize the use of the public expenditures heretofore made for said public services. The annexation of the property is an orderly expansion that has been planned for the public facilities and services of the city of Albany. There is not available sufficient land for light industrial use without the addition of the proposed annexation property. By annexing the property for development as industrial property, it would encourage development within urban areas before conversion of other areas to such uses.

Findings of Facts on Goal 14:

The annexation for the proposed property will provide an

57

A3

orderly and efficient transition from rural to urban land use consistent with and in conformance to Goal 14, Urbanization. An urban growth boundary has been established and the said tract is within the urban growth boundary. The proposed industrial use of the annexation property proposed for annexation will be a maximum efficient use of the land in its utilization of the transportation facilities and the public highway system now in existence as well as the existing and planned sewer, water and other services which are available to the site. The proposed annexation area is of sufficient size to provide an adequate choice for light industry to consider the site as suitable for development and there is no other suitable land within the city of Albany for said proposed use. The annexation for the proposed area as light industrial property would encourage development of light industry within the urban area of the City of Albany before converting areas outside of the urban boundary as industrial property. That the urbanization of this tract is consistent with LCDC goals.

Goal 15. Willamette River Greenway.

Goal 15 through 19. These goals do not apply to the proposed annexation area and therefore, are not discussed.

52

HARRISON WEATHERFORD, ET AL

(Journal No. A-3-79)

CITY OF ALBANY ANNEXATION APPLICATION AND APPLICATION TO AMEND
COMPREHENSIVE PLAN AND ZONING ORDINANCE OF THE CITY OF ALBANY

Proposed findings and supplemental information in support of Neighborhood Commercial (C-1) zoning, comprehensive plan and annexation request for the 3.66 acre tract:

This material incorporates all material previously submitted on this request.

I. COMPLIANCE WITH LCDC GOALS AND GUIDELINES

1. Goal 1 - Citizen Involvement:

The 3.66 acre tract has had citizen involvement in its previous zoning as Urbanizing Residential Professional and by the public hearing on this request.

2. Goal 2 - Land Use Planning:

There has been no revision of the Comprehensive Plan or Zoning in this area in recent years. The 3.66 acre tract has been included in Albany's proposed urban growth boundary. There is a public need for revising the current comprehensive plan and zoning due to the increased growth of the City of Albany to the south and the current development of the area.

3. Goal 3 - Agricultural Lands:

As stated in the material previously presented, the 3.66 acre parcel is no longer suited for agricultural land and there is no need for this land as agricultural land. The tract comprises only 3.66 acres and is bounded on the west by Highway 99E and on the East by the SPRR tracks. To the north is commercial development and to the South are residences. If this request is accepted an industrial park will lie to the east. The 3.66 acre tract is best suited for commercial business uses as it will eventually lie within an urban area and on a major highway.

4. Goal 4 - Forest Lands:

This 3.66 acre tract is not forest land.

5. Goal 5 - Open Spaces:

This 3.66 acre track is not suitable for open space due to its location, it has no natural resources, and is not a historic area.

*Added
Appointments
Findings*
A3

*Noted
5-7-79
AP*

53

A₃

6. Goal 6 - Air, Water and Land Resources Quality:

The information previously presented adequately covers the criteria set forth by this goal, and the proposed findings of fact set forth in the material previously submitted apply to the 3.66 acre tract. Sewer, water and utility services that would be available to the industrial land would also be available for commercial development.

7. Goal 7 - Natural Disasters and Hazards:

The 3.66 acre tract is not subject to natural disasters or hazards.

8. Goal 8 - Recreational Needs:

The location of the 3.66 acre tract makes it unsuited as a recreational area.

9. Goal 9 - Economy of the State:

The 3.66 acre tract is suitable for increased economic growth and activity. It is necessary to provide services to persons living and working in the area and as the surrounding area develops further such need will increase.

10. Goal 10 - Housing:

The location of the 3.66 acre tract makes it unsuited for housing development. Highway 99E lies to the west, SPRR tracks lie to the east and commercial businesses lie to the north. The city of Albany has provided for housing in other areas of the city.

11. Goal 11 - Public Facilities and Services:

Sewer, water, energy and fire protection can be adequately provided by existing and planned services as explained in the material previously submitted.

12. Goal 12 - Transportation:

The 3.66 acre tract has direct access to Highway 99 E and Ellingson Road.

13. Goal 13 - Energy Conservation:

The proposed zoning of the 3.66 acre tract would conserve energy by making commercial services available to those persons working and living in the adjacent area.

14. Goal 14 - Urbanization:

The proposed annexation is compatible with this goal as the 3.66 acre tract has been included within the preliminary urban growth boundary of the City of Albany. The use of the 3.66 acre tract as

54

A₃

neighborhood commercial property is a maximum efficient use of the land in that there exists ease of access and transportation, public facilities and services are planned for the area, and the development of the City of Albany creates a public need for commercial services to serve the area.

15. Goals 15 through 19:

These goals do not apply to the proposed annexation area.

SUMMARY

The City of Albany Comprehensive Plan currently designates the 3.66 acre tract, together with all other property included in this annexation request, as agricultural. Page 34 of the City of Albany Comprehensive Plan states that a general goal of the plan is to "insure that the Comprehensive Land Use Plan is responsive to changing conditions".

The present designation of the proposed annexation property as "agricultural" is not responsive to the changing conditions of the City of Albany. The City of Albany has been developing toward the south as evidenced by the residential subdivisions of recent years and Linn Benton Community College, and such growth and development can be expected to continue as evidenced by inclusion of the proposed annexation property within the preliminary urban growth boundary of the City of Albany.

A public need has been shown for a large tract of property suitable for development as light industrial property. The 3.66 acre tract is needed to connect the city of Albany to the larger industrial property. The 3.66 acre tract is located at the intersection of Highway 99E and Ellingson Road, and is bounded on the East by the SPRR track. Linn Benton Community College lies Southwest of the 3.66 acre tract and across Highway 99E from said tract. Immediately west of said tract, across Highway 99E lies commercially zoned property within the City of Albany. The intersection of Belmont, Ellingson Road, and Highway 99E can be expected to develop into a heavily used intersection as it affords access to College Green Subdivision and will, if this proposed annexation is accepted, also provide access to the industrial area. The location of the 3.66 acre tract does not make it suitable for agricultural uses or housing development. Likewise, its location does not make it suitable for the development of industrial use and in fact it should act as a buffer to such use. Therefore, the highest and best use of this 3.66 acre tract is for the development of commercial use.

Page 22 of the City of Albany Comprehensive Plan states that a specific goal of Commercial Use is to "encourage compatible commercial facilities to be located in compact neighborhood service centers which are generally keyed to selected intersections, (and to) provide a sufficient number of areas for all types of commercial

A₃

services, ranging from neighborhood service facilities, to Regional Shopping Centers. However, the selection of these areas should not disrupt normal or logical growth patterns of the community."

The designation of the 3.66 tract as commercial by the City of Albany Comprehensive Plan would conform to these goals as well as conform to the LCDC goals and guidelines. The continued growth and development of the City of Albany in the area surrounding Linn Benton Community College clearly shows the public need for commercial development in the area. The 3.66 acre tract is ideally situated for such commercial development.

Linn County currently designates the 3.66 acre tract as Residential-Professional. Under the City of Albany Zoning Ordinance Residential-Professional Zoning would allow the 3.66 acre tract to be used only for banks, beauty and barber shops, clinics, laboratories, medical, dental, and other professional offices limited to attorneys, accountants, etc., and pharmacies. Looking at the present location of doctors and attorneys in the City of Albany, clearly shows that such professionals prefer to locate near the hospital and the County courthouse, not near Linn Benton Community College, and pharmacies prefer to locate near the hospital and doctors. Therefore, zoning the 3.66 acre tract as Residential-Professional would not be making the most efficient and best use of said tract. C-1 or Neighborhood Commercial Zoning would be the most efficient and best use of the 3.66 acre tract. Such C-1 zoning would allow, both as permitted and conditional uses, the development of art supply and hobby shops (compatible with LBCC) bakeries (compatible with residential developments in the area), banks, camera shops (compatible with LBCC), book stores, (compatible with LBCC), clothing stores, grocery stores, laundromats, restaurants, and various other types of business that would be compatible with Linn Benton Community College and the residential development in the area. In addition, such businesses would serve the employees of the proposed industrial site. The Neighborhood Commercial Zone, as proposed, is preferable to Residential-Professional Zoning because the former allows a broader range of services while still allowing nearly all of the services permitted under the latter.