

AN ORDINANCE PROCLAIMING THE ANNEXATION TO THE CITY OF ALBANY OF CONTIGUOUS TERRITORY CONSISTING OF 20 ACRES OF PROPERTY LOCATED NORTH OF 34TH AVENUE, WEST OF FERRY STREET AS M-3 HEAVY INDUSTRIAL 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. 4351 adopted on the 12th day of March, 1980, dispenses with an election submitting to the voters of the City the question of annexation of said territory and did at 7:15 o'clock p.m. on the 26th day of March, 1980, in the Council Chambers of the City Hall in said City at the time and place of hearing thereon, and the further question of withdrawing said territory, if annexed, from the Albany Rural Fire Protection District, at which time and place the voters of the City were given an opportunity to be heard on the questions involved; and

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it appears to be in the best interest of the City and of the area involved that it be annexed to the City of Albany and withdrawn from the Albany Rural Fire Protection District; and

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

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

Section 1: The following described property to-wit:

(See 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-3 Heavy Industrial.

Section 2: The following conditions shall be met:

1. A fire hydrant for the west side of the Standard Steel and Tube building will be requested by the City of Albany.
2. Additional water mains will be provided in the proposed subdivision to meet fire flow requirements as required by the City Fire Marshal before the issuance of further building permits.

Section 3: That the above described territory annexed to the City of Albany is hereby withdrawn from the Albany Rural Fire Protection District.

Section 4: That the City Recorder shall submit to the Secretary of the State of Oregon a copy of this ordinance, a copy of Ordinance No. 4351, and a copy of the complete consent document signed by the landowners within the territory annexed. The City Recorder shall also, within 10 days of the effective date of this annexation, report this annexation to the County Clerk and to the County Assessor Linn County, Oregon.

Passed by the Council: April 9, 1980

Approved by the Mayor: April 9, 1980

Effective Date: May 9, 1980

Richard S. Olsen
Mayor

ATTEST:


City Recorder



TIMBERLAND

Services, Inc.

(503) 926-9404

1010 AIRPORT ROAD — P. O. BOX 668 — ALBANY, OREGON 97321

July 11, 1979

Estate Builders

Legal Descriptions

13.90 Acres

Beginning at a point on the west line of and North $01^{\circ}29'30''$ West 512.87 feet from the southwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; and running thence North $01^{\circ}29'30''$ West along said west line a distance of 139.71 feet; thence North $17^{\circ}45'00''$ West 538.50 feet; thence South $88^{\circ}57'00''$ West 973.29 feet to the easterly right-of-way of the Southern Pacific Railroad; thence southeasterly along a 1879.86 foot radius curve left (the long chord of which bears South $28^{\circ}35'25''$ East 738.85 feet) a distance of 743.69 feet; thence North $88^{\circ}58'35''$ East 787.49 feet to the true place of beginning.

5.88 Acres

Beginning at a point which is North $01^{\circ}29'30''$ West 44.00 feet from the southwest corner of the Hiram N. Smead Donation Land Claim No. 53 in Township 11 South and Range 3 West of the Willamette Meridian in Linn County, Oregon; said point also being on the northerly right-of-way of 34th Street; and running thence North $01^{\circ}29'30''$ West along the west line of said D.L.C. a distance of 468.87 feet; thence South $88^{\circ}58'35''$ West 787.49 feet to the easterly right-of-way of the Southern Pacific Railroad; thence southeasterly along a 1879.86 foot radius curve left (the long chord of which bears South $51^{\circ}08'40''$ East 731.63 feet) a distance of 736.33 feet to said northerly right-of-way; thence North $88^{\circ}57'00''$ East 229.86 feet to the true place of beginning.

(N 80° E)

100

5-9

DLC 70
DLC 53

10.00 CH

ISAAC HUTCHINS
HIRAM SMEAD

200

(524.49')

102

(100)

S.W. Cor.
Hiram Smead
D.L.C. 53

411.04'

60'

94.70'

200'

13.16'

0.30'

180'

N 88° 55' E 7.98 CH

13.59 CH

5.61 CH

34TH

5.09 CH

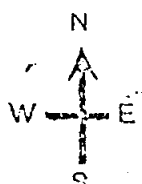
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0.71'

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TRUETT DAVIS

TO BE STAMPED BY
A REGISTERED ENGINEER



7.99 CH

S 88° 55' W
This print is made solely for the purpose of assisting
in locating said premises and the company assumes no
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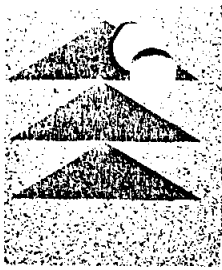
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34th AVENUE ANNEXATION

Conformance With Current Comprehensive Plan

The current Albany Comprehensive Plan indicates the subject property as heavy industrial. The proposed zoning of the property is M-3 Heavy Industrial. As the proposed zoning is in compliance with the existing plan, no amendment to the plan is necessary.

Public Need

Generally, this statement addresses the proposed future development of vacant or unimproved property. However, in this instance the annexation is for an area which is predominantly developed. The existing industrial facilities are presently fulfilling a local public need for employment. They also provide for a larger public need - manufactured products.

For the fiscal year 1980, the State of Oregon Employment Division's projections indicate that 11,320 persons in Linn County will be employed in the manufacturing sector of the economy. The manufacturing sector is particularly significant to Linn County as it accounts for over one-third of the total employment.

Linn County's seasonally adjusted unemployment rate for July, 1979, as provided by the Oregon State Employment Division, was 9.0%. At that time, only three other Oregon counties had higher unemployment rates. The State wide average for the same period was 6.8%. These figures tend to indicate that there is a need for additional employment opportunities in Linn County.

The current City of Albany zoning and land use regulations purpose statement Section 1.02, B, indicates that a public goal or need is "To advance the position of the City of Albany as a regional center of industry, commerce, education, recreation and culture". This indicates that industries should be within the City. It also indicates that the City should take a leadership role in providing employment opportunities in this sector.

The proposed annexation will allow for additional expansion of the industrial base of the City. It will, with the advent of future development, help fulfill a public need for employment and enhance the position of the City as a regional center for manufactured products.

The administrative rule passed by the LCDC on February 15, 1978 states that Cities without an acknowledged comprehensive plan require findings that indicate either a clear and demonstrable need for an annexation be made or that the land is physically developed for urban use or within an area which is developed for urban use.

The existing industrial facilities of this site are developed for urban use as is the surrounding area. Therefore it is not necessary to prove that a need exists prior to the acknowledgment of the Albany Comprehensive Plan by the Land Conservation and Development Commission.

PROPOSED FINDINGS RELATED TO LCDC GOALS
ESTATE BUILDERS ANNEXATION
TO THE CITY OF ALBANY

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

The City is in the process of updating its Comprehensive Land Use Plan to meet the LCDC compliance schedule. However, this request complies with the current goal statements and policies of the comprehensive plan which was adopted prior to LCDC. The requested heavy industrial zoning conforms to the current comprehensive plan designation.

GOAL 3 - AGRICULTURAL LANDS

The subject property is currently developed and used for industrial activities. There are three existing industrial related buildings on the site. The property has been used for/by industries over the past several years. It is now developed and irrevocably committed to urban industrial use. As such, the Agricultural Goal is no longer applicable to this parcel and no exception to the Agricultural Goal is required (see LCDC policy paper; Exceptions Process approved March 10, 1978; ammended May 3, 1979).

GOAL 4 - FOREST LANDS

The property is not now forested and as stated above in the Goal 3 statement is committed to urban type industrial use and therefore no exception is required.

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

This area is not a fish or wildlife habitat. There is no evidence that the area is of ecological or scientific significance nor is it a historic, cultural, wilderness or scenic area as defined by the Land Conservation and Development Commission Goals and Guidelines. There are no known mineral or aggregate resources on or beneath the property. The soil types found on the property are not suitable for sand and/or gravel as determined by S. C. S. data. There are no known energy sources on the property.

GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY

Albany currently meets Department of Environmental Quality air standards. Current levels of pollutants comply with the existing regulations. As no major change is foreseen for the use of the property and that any future facilities would be required to comply with appropriate State standards, no deterioration of the ambient air quality would be anticipated related to the future development of this area.

Waste water generated would also be monitored by the D. E. Q.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Based on information supplied by the City of Albany Engineering and Planning Departments and the U. S. Department of Housing and Urban Development flood hazard insurance maps, the subject property is not located in a flood hazard area.

As the area is relatively flat there are no slope associated hazards such as earth slides. The subject property, like all of Linn County and a major portion of Oregon, is in a Zone 2 Seismic risk category. Zone 2 indicates the possibility of moderate damage. This corresponds to VII on the Mercalli scale or 5.5 to 6.1 on the Richter scale (very strong; general alarm, walls crack, plaster falls, ENVIRONMENTAL GEOLOGY OF WESTERN LINN COUNTY 1974).

GOAL 8 - RECREATIONAL NEEDS

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

GOAL 9 - ECONOMY OF THE STATE

The proposed annexation is partially developed for industrial use. This portion, as it is already existing, would not have any long term impact on the economy of the area or the State. However, as the remaining portion is developed and industrial activities brought into the area there could be positive influences on the employment and economy of the area.

GOAL 10 - HOUSING

The property is not proposed for residential. No new industrial activities are foreseen for the immediate future which would overburden the existing or future housing stock. Annexing the existing industrial activities will not create any change from the existing situation.

GOAL 11 - PUBLIC FACILITIES

According to members of the City Engineering Department, sanitary sewer can be extended to service the area. Storm drainage can also be accommodated.

Water and electric service is available on site. Telephone service is also presently on site. Natural gas can also be extended. As this is not a residential development there will be no direct impact on the public schools.

GOAL 12 - TRANSPORTATION

The property is serviced by both rail and road transportation. Southern Pacific borders the west side of the property and has a spur serving the existing facilities. The property abutts 34th Avenue. This is a designated arterial. Thirty-fourth Avenue intersects Pacific Blvd., a State Highway, 1/2 mile west of the site.

The proposed site would not directly generate any additional traffic on secondary or neighborhood streets. Access to the State Highway system is good.

GOAL 13 - ENERGY CONSERVATION

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

Locating employment opportunities in proximaty to residential areas can be beneficial in reducing the commuting costs in terms of energy. This location fits this consideration.

GOAL 14 - URBANIZATION

The property is within the approved Preliminary Urban Growth Boundary. Public services such as water and sanitary sewer are available to service the area. Because of its location in relation to surrounding urbanized and urbanizing patters, the annexation of this property would constitute an orderly extension of public facilities. The area in this vicinity is also industrial. As this property is located well within the preliminary Urban Growth Boundary, there would be no potential conflict between the industrial development and rural/agricultural uses outside the boundary.