



ORDINANCE NO. 5967

AN ORDINANCE AMENDING ORDINANCE NO. 4836, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY COMPREHENSIVE PLAN AND ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-05DD TAX LOT 400.

WHEREAS, on July 20, 2021, the Albany Community Development Department received an application for a Comprehensive Plan and Zoning Map amendment for property addressed as 241 Waverly Drive SE and identified as Linn County Assessor's Map No. 11S-03W-05DD, Tax Lot 400 (Planning Files CP-02-21 and ZC-02-21); and

WHEREAS, a Comprehensive Plan map and Zoning District map and legal description for the subject property are provided in ordinance Exhibits A, B, and C, respectively; and

WHEREAS, the application is a Comprehensive Plan Map amendment to change 1.37 acres from LDR (Low Density Residential) to MDR (Medium Density Residential); and 0.01 acre (650 square feet) from GC (General Commercial) to MDR; and a Zoning Map amendment to change 1.37 acres from RS-6.5 (Residential Single Family) to RM (Residential Medium Density); and 0.01 acre (650 square feet) from CC (Community Commercial) to RM; and

WHEREAS, the proposed Comprehensive Plan and Zoning Map amendment is discussed in detail in the September 27, 2021, staff report; and

WHEREAS, on October 4, 2021, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, on October 27, 2021, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and testimony presented at the public hearing, and then deliberated.

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The findings of fact and conclusions included in the staff report are hereby adopted in support of the decision.

Section 2: The Comprehensive Plan map is hereby amended from LDR (Low Density Residential) to MDR (Medium Density Residential); and GC (General Commercial) to MDR.

Section 3: The Zoning map is hereby amended from RS-6.5 (Residential Single Family) to RM (Residential Medium Density); and CC (Community Commercial) to RM.

Section 4: A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

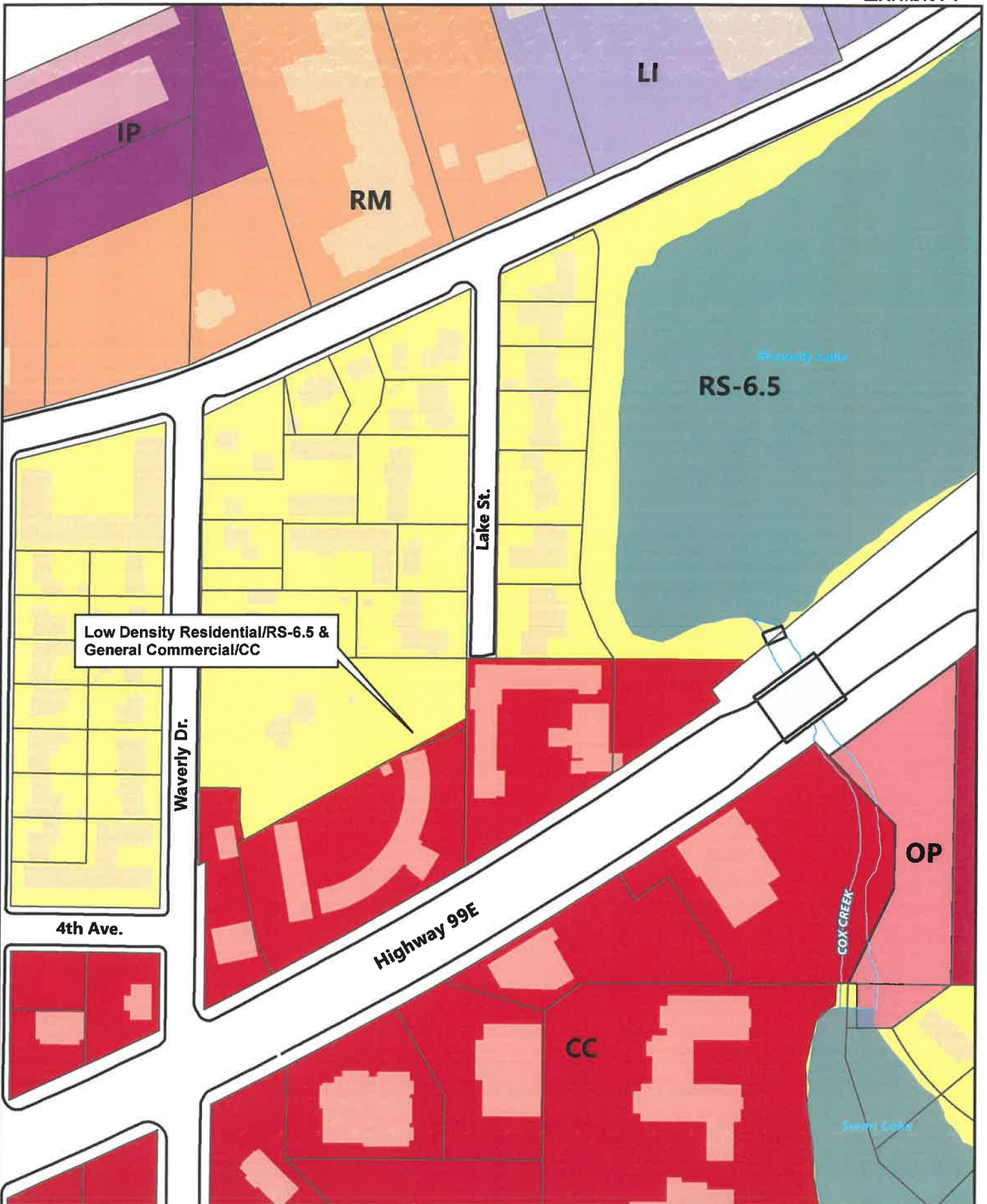
Section 5: A copy of this ordinance shall be filed with the Linn County Assessor's Office within 90 days of the effective date of this ordinance.



ATTEST:

Alleson R. Lewis  
City Clerk

Passed by the Council: 11/10/2021  
Approved by the Mayor: 11/10/2021  
Effective Date: 12/10/2021  
[Signature]  
Mayor



Low Density Residential/RS-6.5 & General Commercial/CC

G:\Community Development\Planning\Land Use Cases\2020\2021\Zone Change (ZC)\ZC-02-21(21, Waverly)\Current Designation.mxd

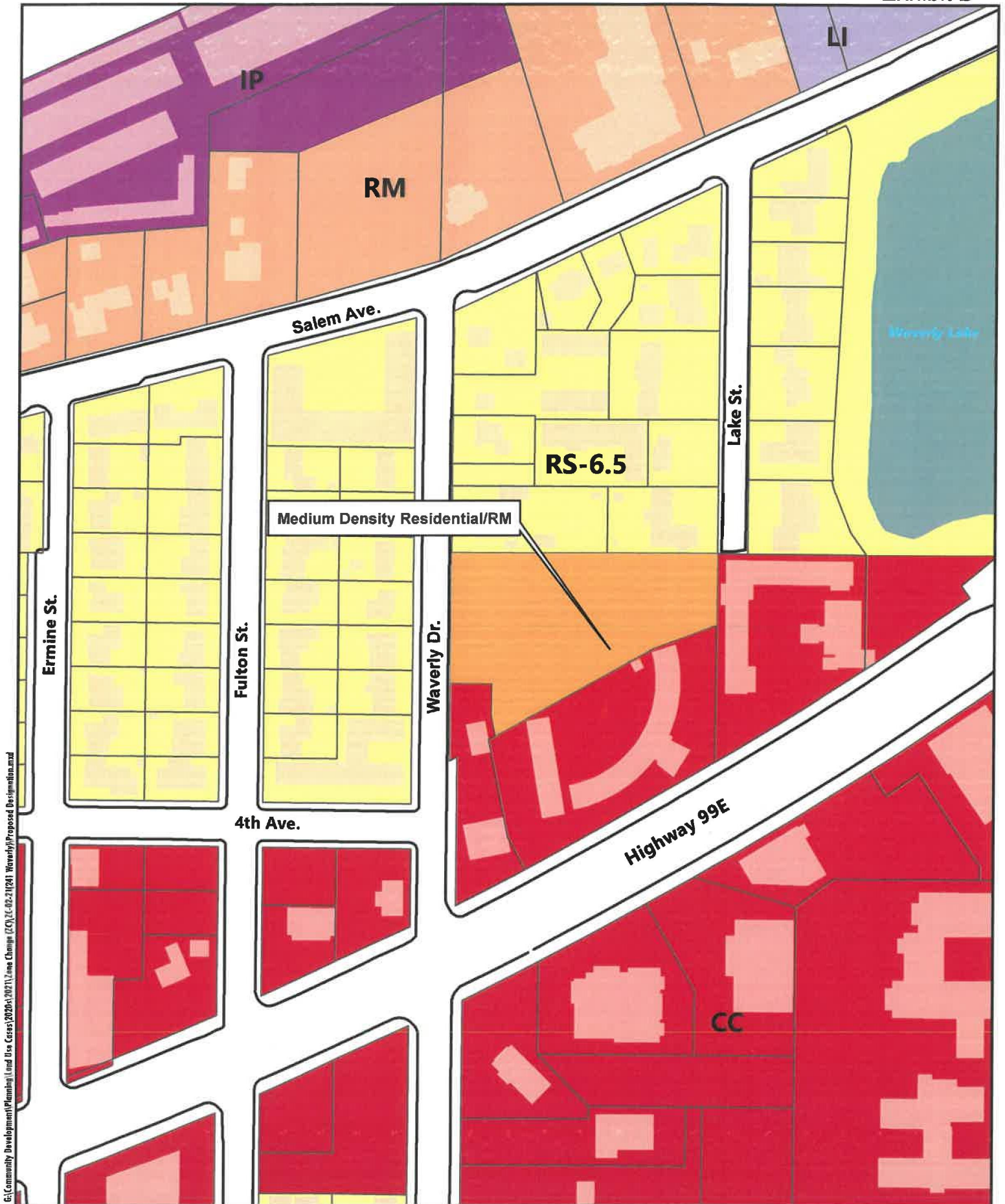


0 50 100 200 Feet

**241 Waverly Street SE**

Date: 10/19/2021 Map Source: City of Albany

Current Designation



G:\Community Development\Planning\Land Use Cases\2020\2021\Line Change (CC)\10-02-21\2021 Waverly\Proposed Designation.mxd



0 50 100 200 Feet

Date: 10/19/2021 Map Source: City of Albany

241 Waverly Street SE

Proposed Designation

## EXHIBIT "A"

A tract of Land situated in the City of Albany, County of Linn and State of Oregon more particularly described as follows: Beginning at the Southeast corner of Block 2 KURRE LAKESIDE TRACTS in Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; and running thence South 1° 25' East 81.06 feet to a ½" iron rod; thence South 59° 25' 40" West 410.74 feet to a point 20 feet East of the West line of the Anderson Cox D.L.C. No. 49; thence North 1° 25' West parallel to said West line 280.45 feet to the Southwest corner of Block 1 of said KURRE LAKESIDE TRACTS; thence North 88° 28' East 358.7 feet to the place of beginning.

## TOGETHER WITH THE FOLLOWING:

Beginning at the northeast corner of that parcel conveyed to Dattatrya, L.L.C. by deed recorded in MF Volume 1440, Page 483, Linn County Microfilm Records, which point is 81.06 feet South 1° 25' East of the Southeast corner of Block 2 of Kurre Lakeside Tracts, Linn County, Oregon, thence South 59° 25' 40" West along the north line of said parcel 96.35 feet; thence North 67° 47' 49" East 90 feet to a point on the east line of said parcel 15 feet South 1° 25' East of the point of beginning, thence North 1° 25' West 15 feet to the point of beginning, Containing 631 square feet, more or less

EXCEPTING THEREFROM THE FOLLOWING: That portion of the following described tract lying North of the Northerly line of that parcel described in Warranty Deed recorded April 18, 1988 in Volume 468, page 522, Microfilm Records of Linn County, Oregon:

Beginning at a point being South 1° 25' 00" East 81.06 feet and South 59° 25' 40" West 350.74 feet from the Southeast corner of Block 2, in KURRE LAKESIDE TRACTS in Section 5, Township 11 South, Range 3 West of the Willamette Meridian, Linn County, Oregon; thence South 12° 56' 20" East 134.20 feet; thence South 29° 16' 10" East 49.75 feet; thence South 60° 54' 04" West 116.00 feet; thence North 1° 25' 00" West 304.75 feet; thence North 88° 35' 00" East 56.02 feet; thence South 1° 25' 00" East 43.22 feet; thence South 12° 56' 20" East 27.75 feet; thence South 59° 25' 40" West 10.49 feet to the point of beginning, in the City of Albany, County of Linn, State of Oregon