



ORDINANCE NO. 6032

AN ORDINANCE PROCLAIMING ANNEXATION OF PROPERTIES IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W09AC TAX LOTS 600, 1000, 2700 & 11S03W09D TAX LOTS 2300, 2600, 3200, & 11S03W03A TAX LOTS 7700 AND 7800, & 11S03W04DD TAX LOTS 1100 AND 1300, & 11S03W10 TAX LOT 401, & 11S04W24 TAX LOTS 625 AND PORTION OF 500; AND AMENDING ORDINANCE NO. 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS OF FACT AND CONCLUSIONS.

WHEREAS, on July 24, 2023, the Albany City Council directed staff to proceed with annexation of nine properties that signed irrevocable requests to annex in exchange for City water and/or sewer service; and

WHEREAS, the Albany City Council wants to annex rights-of-way inadvertently not annexed when adjacent property was annexed. Specifically, segments of Goldfish Farm Road SE, Century Drive NE, Interstate 5, Santiam Highway SE, and 53rd Avenue SW.

WHEREAS, the application for zoning map amendment would assign a Single-Dwelling Unit Residential (RS-6.5) zone, Residential Medium Density (RM), and Open Space (OS) zones to the properties, concurrent with annexations. The Albany RS-6.5 zone has an average minimum lot size of 6,500 square feet, the RM zone has an average minimum lot size of 3,500 square feet and the OS zone does not have minimum lot size. Prior to annexation, the property was subject to Linn County zoning and related development requirements; and

WHEREAS, on December 4, 2023, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexations and zoning map amendments, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of fact and conclusions as provided in the staff report dated November 27, 2023, are presented as an attachment to this ordinance as Exhibit D; and

WHEREAS, on January 10, 2024, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and conclusions of the staff report and testimony presented at the public hearings, and then deliberated.

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

Section 1: The territories described in Exhibit A and shown on maps in Exhibit B of this ordinance are hereby proclaimed to be annexed to the City of Albany.

Section 2: The zoning district map is hereby amended to the RS-6.5 zoning district, RM zoning district, and the OS zoning district for the properties located in the City of Albany, Linn County, Oregon, as listed in Exhibit C of this ordinance.

Section 3: The findings of fact and conclusions included in the staff report dated November 27, 2023, in Exhibit D of this ordinance, are hereby adopted in support of the decision.

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.

Passed by the Council: January 10, 2024

Approved by the Mayor: January 10, 2024

Effective Date: February 9, 2024



Mayor

ATTEST:

Allison Geise

City Clerk

Exhibit 1-A Legal Description for Century Drive Annexation

Annexing the area between the existing City limit line along the east right-of-way line of Century Drive and the Urban Growth Boundary line, north of Knox Butte Road, more particularly described below.

Beginning at the northwest property corner of Parcel 1 of Linn County, Oregon, Partition Plat No. 2006-74, said point laying on the east right-of-way line of Century Drive, said point also lying at the northwest corner of the existing City limit line and on the north line of the Albany Urban Growth Boundary line; thence west 30 feet along the Albany Urban Growth Boundary line to the west line of the Albany Urban Growth Boundary line; thence South $9^{\circ} 23''$ West 4,796 feet along the Albany Urban Growth Boundary line to the existing City limit line; thence South 84° East 858 feet along the existing City limit line to the easterly right-of-way line of Century Drive, said easterly right-of-way line also being the current Albany City limit line; thence Northerly along the easterly right-of-way line of Century Drive 5,000 feet, more or less, to the point of beginning. As shown on attached Exhibit 1-B, attached hereto and made a part hereof this legal description.

Exhibit 2-A Legal Description for 4580 and 4610 Knox Butte Road Annexation

Annexing the properties at 4580 and 4610 Knox Butte Road, SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868, said point also lying on the Albany City limit line; thence north 218 feet along the east property line of the Johnston property, said line also being the Albany City limit line, to the southeast corner of the property conveyed to Sean and April Johnson by a deed recorded in Linn County Oregon deed records 2018-16527; thence west 70 feet along the south line of said Johnson property, said line also being the City limit line, to the southwest corner of said Johnson property, said point also being the southeast corner of the property conveyed to Wesley and Lila Lokey by a deed recorded in Linn County Oregon deed records MF 1089-489; thence north 214.55 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the south right-of-way line of Knox Butte Road; thence southwest 418.85 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the westernmost property corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868; thence southeast along the south property line of said Johnston property 25 feet to an angle point; thence east 207 feet along the south property line of said Johnston property to an angle point; thence south 218 feet along the west property line of said Johnston property to the north line of San Felicia Acres subdivision; thence east 220 feet along the north line of San Felicia Acres subdivision to the point of beginning.

As shown on attached Exhibit 2-B, attached hereto and made a part hereof this legal description.

Exhibit 3-A Legal Description for Goldfish Farm Road right-of-way, 488 Goldfish Farm Road, and Timber Linn Park property Annexation

Annexing an area of Goldfish Farm Road right-of-way, Timber Linn Park property, and 488 Goldfish Farm Road SE, more particularly described below.

Area 1 – Goldfish Farm Road right-of-way.

Beginning at a point 18 feet west of the southwest corner of Tract B of Brandis Meadows subdivision, in Albany, Linn County, Oregon, said point lying 18 feet west of the east right-of-way of Goldfish Farm Road, said point also lying on the Albany City limit line; thence north 2,957 feet along a line 18 feet west of the east right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right of way line of Knox Butte Road; thence west 50 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the west right of way line of Goldfish Farm Road; thence south 1,622 feet along the west right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right-of-way line of Dogwood Avenue; thence east 10 feet along the south right-of-way line of Dogwood Avenue to the west right-of-way line of Goldfish Farm Road; thence south 1,341 feet along the west right-of-way line of Goldfish Farm Road to a point directly west of the southwest corner of Tract B of Brandis Meadows subdivision; thence east 40 feet to the point of beginning.

Together with –

Area 2 – Timber Linn Park Property and 488 Goldfish Farm Road

Beginning at a point on the west right-of-way line of Goldfish Farm Road, said point lying on the south property line of that property conveyed to Dennis J. Burton by a deed recorded in Linn County, Oregon, deed records MF 518-563; thence west along the south property line of said Burton parcel 179.79 feet to the southwest corner of said Burton parcel; thence north 110.80 feet along the west property line of said Burton parcel to the northwest corner said Burton parcel; thence north 29.21 feet along the west property line of the property conveyed to the Loretta L. Norris Revocable Living Trust by a deed recorded in Linn County Deed Records 2017-4488, to the northeast corner of the City of Albany property purchased from Karen L Buhl by a deed recorded in Linn County, Oregon deed Records MF 1225-648; thence west 139.96 feet along the north line of said City of Albany property to the east line of the property conveyed to David and Sherri Neighbor by a deed recorded in Linn County Oregon Deed Records 2016-5137, said line also being the Albany City limit line; thence south 59.55 feet along the property line of

said Neighbor parcel, said line also being the City limit line, to the southeast corner of said Neighbor parcel; thence North $71^{\circ} 16' 30''$ West 198.73 feet along said Neighbor parcel south property line and Albany City limit line, to the southwest corner of said Neighbor parcel; thence north 354.06 feet along the east property line of the City of Albany parcel conveyed with the deed recorded in Linn County Oregon Deed records MF 1225-648, said line also being the Albany City limit line, to the northernmost corner of said City of Albany parcel; thence South $73^{\circ} 13' 34''$ West 637.28 feet along the property line of Parcel 2 Linn County, Oregon Partition Plat 1999-46, said line also being the Albany City limit line, to an angle point; thence south 576.25 feet along the east property line of said Parcel 2, said line also being the Albany City limit line, to the southwest corner of the property conveyed to the City by a deed recorded in Linn County Oregon deed records MF 738-003, said point also being the northwest corner of the property conveyed to Hart Bros Holdings LLC by a deed recorded in Linn County, Oregon deed records 2018-12665; thence east 610.02 feet along the north line of said Hart Bros Holdings LLC property to the northernmost northeast corner of said Hart Bros Holding LLC property; thence south 135 feet along the northernmost east property line of said Hart Bros Holdings LLC property to an angle point in said Hart Bros Holdings LLC property; thence east 505 feet along the north property line of said Hart Bros Holdings LLC property to the west right-of-way line of Goldfish Farm Road; thence north 30 feet along the west right-of-way line to the south line of the property conveyed to Thomas and Mary Fields in Linn County Oregon deed records MF 395-131; thence west 475 feet along the south line of said Fields property to the southwest corner of said Fields property; thence north 150 feet along the west property line of said Fields property to the northwest corner of said fields property; thence east 475 feet along the north line of said Fields property to the west right-of-way line of Goldfish Farm Road; thence north 230 feet, more or less, along the west right of way line of Goldfish Farm Road, to the point of beginning.

As shown on attached Exhibit 3-B, attached hereto and made a part hereof this legal description.

Exhibit 4-A Legal Description for Goldfish Farm Road right-of-way and 937 Goldfish Farm Road Annexation

Annexing an area of Goldfish Farm Road right-of-way and 937 Goldfish Farm Road SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Everett and Shirley Ann Wright by a deed recorded in Linn County Oregon deed records MF975-646; thence North $10^{\circ}51'$ West 196.5 feet along the east property line of said Wright property to the northeast corner of said Wright property; thence west 109.1 feet along the north line of said Wright property to the east right-of-way line of Goldfish Farm Road; thence west 40 feet to the Albany City limit line, said line lying 15 feet east of the west right-of-way line of Goldfish Farm Road; thence south 514 feet along the Albany City limit line, said line lying 40 feet west of the east right-of-way line of Goldfish Farm Road, to a point 10 feet east of the southeast corner of that property conveyed to Blue Ox RV Park of Albany LLC by a deed recorded in Linn County, Oregon deed records 2013-20460, said point also lying on the east-west Albany City limit line; thence east 40 feet along the Albany City limit line to the east right-of-way line of Goldfish Farm Road; thence north 317 feet along the east right of way line of Goldfish Farm Road to the south line of the aforementioned Wright property; thence east 146 feet along the south line of said Wright property to the point of beginning.

As shown on attached Exhibit 4-B, attached hereto and made a part hereof this legal description.

Exhibit 5-A Legal Description for Highway 20 & 3525 and 3605 Circle Annexation

Annexing an area of Highway 20 right-of-way and Lots 6 and 10 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3525 and 3605 Circle Drive SE, more particularly described below.

Beginning at the southeast corner of Lot 1, Block 2 of Commercial Way Subdivision, said point being on the north right-of-way line of Highway 20, said line also being the Albany City limit line; thence west 325.05 feet along the south line of Commercial Way Subdivision to the southwest corner of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the Albany City limit line; thence north 17.8 feet north along the west line of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the City limit line, to the north right-of-way line of Highway 20; thence North $79^{\circ} 44'$ West 251.50 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, thence North $78^{\circ} 47'$ West 171.47 feet along the north right-of-way of Highway 20 to the east right-of-way line of Price Road, said line also being the Albany City limit line; thence North 60° West 57 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the west right-of-way line of Price Road; thence west 244 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the westernmost south property corner of that property described in Linn County, Oregon, Deed Records MF 1346-0954; thence South 59° West 393 feet along the Albany City limit line to the northwest corner of Lot 5 of the Supplemental Plat, East Albany Walnut Tracts; thence east 140 feet along the north property line of said lot 5 to the northwest corner of Lot 6 of the Supplemental Plat, East Albany Walnut Tracts; thence southeast 131.68 feet along the west property line of said Lot 6 to the Circle Drive right-of-way, said point also being the southwest corner of said Lot 6; thence easterly 67.94 feet along a 120 foot radius curve line to the right, said line being the south property line of said Lot 6 and the north right-of-way line of Circle Drive, to the southeast corner of said Lot 6; thence north 105.09 feet along the east property line of said Lot 6 to the northeast corner of said Lot 6, said point lying on the south right-of-way line of Highway 20; thence east 300.0 feet along the south right of way line of Highway 20 to the northwest corner of Lot 10 of the Supplemental Plat, East Albany Walnut Tracts; thence south 105.0 feet along the west line of Lot 10 to the southwest corner of Lot 10, said point being on the north right-of-way line of Circle Drive; thence east 100.0 feet along the south property line of Lot 10 to the southeast corner of Lot 10; thence north 105.0 feet along the east line of Lot 10 to the northeast corner of Lot 10, said point lying on the south right-of-way line of Highway 20; thence east 254.94 feet along the south right-of-way line of Highway 20 to a point 54.99 feet east of the northwest

property corner of Lot 12 of the Supplemental Plat, East Albany Walnut Tracts; thence southeasterly 265 feet, more or less, along the south right-of-way line of Highway 20 to the Albany City limits line; thence continuing southeasterly 276 feet along the south right-of-way line of Highway 20, said line also being the Albany City limit line, to a point 107.37 feet west of the Timber Street right-of-way; thence northerly 170 feet along the Albany City limit line to the point of beginning. As shown on attached Exhibit 5-B, attached hereto and made a part hereof this legal description.

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

Annexing an area of Spicer Road and Lot 23 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3545 Spicer Road SE, more particularly described below.

Beginning at the northeast corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence southwest along the east line of said Lot 23, 131.5 feet to the southeast corner of said Lot 23, said point also being on the north right-of-way line of Spicer Road SE; thence continuing southwest along a projection of the east property line of Lot 23, 60 feet to the south right-of-way line of Spicer Road SE; thence west 445 feet, more or less, along the south right-of-way line of Spicer Road SE to the north-south Albany City Limit line; thence north 66 feet, more or less, along the Albany City limit line to the southwest corner of Lot 3 of the Supplemental Plat, East Albany Walnut Tracts, said point also lying on the north right-of-way line of Spicer Road SE; thence southeast 385 feet, more or less, along the north right of way line of Spicer Road SE, to the southwest corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence northeast 120.4 feet, along the west property line of said Lot 23 to the northwest corner of said Lot 23; thence east 90.6 feet, along the north property line of said Lot 23, to the point of beginning.

As shown on attached Exhibit 6-B, attached hereto and made a part hereof this legal description.

Exhibit 7-A Legal Description for 3815 Spicer Drive, Spicer Drive right-of-way, and two City of Albany parcels Annexation

Annexing 3815 Spicer Drive SE, Spicer Drive right-of-way, and 2 City of Albany properties, more particularly described below.

Beginning at the northeast corner of Parcel 1 of Linn County Oregon Partition Plat 2009-02, said point also being the northeast corner of that property conveyed to Richard Deer by a deed recorded in Linn County Oregon deed records 2013-12523; thence South $83^{\circ}58'25''$ West 150 feet along the north line of said Parcel 1, to the east right-of-way line of Spicer Drive SE; thence continuing South $83^{\circ}58'25''$ West 60 feet, to the west right of way line of Spicer Drive SE; thence south 217 feet along the west right-of-way line of Spicer Drive SE, said line also being the Albany City limit line, to the north right-of-way line of 18th Avenue SE; thence east 133 feet along the Albany City limit line to a point on north right-of-way line of Spicer Drive, said point also lying on the south property line of Tract A of Partition Plat 2009-02; thence southeast 225 feet along the north line of Spicer Drive, said line also being the Albany City limit line, to the east property line of the property conveyed to the City of Albany by a deed recorded in Linn County Oregon deed records 2007-28015; thence north 242.16 feet along the east line of said City of Albany property to the north line of said City of Albany property; thence northwest 119.65 feet along said City of Albany property to the east property line of Tract A of Partition Plat 2009-02; thence north 77.13 feet along the east line of Partition Plat 2009-02 to the point of beginning.

As shown on attached Exhibit 7-B, attached hereto and made a part hereof this legal description.

Exhibit 8-A Legal Description for Interstate 5 Annexation

Annexing the 300 foot wide area of the Interstate 5 right-of-way from approximately 1,300 feet south of Highway 20, south approximately 7,543 feet to the south line of the Albany Santiam Canal, more particularly described below.

Beginning at the northwest property corner of Parcel A of Linn County, Oregon, Partition Plat No. 1991-17, said point laying on the east right-of-way line of Interstate 5, said point also lying on the north and east lines of the City of Albany City limits; thence west 300 feet along the Albany City limits line to the west right of way line of Interstate 5, said right-of-way line also being the Albany City limit line; thence south 7,543 feet along the west right of way line of Interstate 5, said line also being the city of Albany City limit line, to the south line of the Albany Santiam Canal; thence east 300 feet along the south line of the Albany Santiam Canal, to the east right-of-way line of Interstate 5; thence north 3,225 feet along the east right of way line of Interstate 5 to the South line of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence continuing north 4,318 feet along the east right-of-way line of Interstate 5, said line also being the City limit line, to the point of beginning. As shown on attached Exhibit 8-B, attached hereto and made a part hereof this legal description.

Exhibit 9-A Legal Description for 2958 53rd Avenue Annexation

Annexing an area of 53rd Avenue right-of-way, 2958 53rd Avenue SW, and a remainder piece of a large City of Albany parcel that was previously annexed, more particularly described below.

Beginning at the southwest corner of Lot 5 of Rancho Rio Ralpho subdivision, said point also being the southwest corner of the property conveyed to Linn Benton Community College (LBCC) by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence north 844.40 feet along the west line of said LBCC property, said line also being the Albany Urban Growth Boundary line, to the northwest corner of said LBCC property; thence continuing north 108.28 feet along the Albany Urban Growth Boundary line to the south line of the property previously annexed by the City of Albany by Ordinance 4232 as described in Volume 223, Page 150 of the Linn County Records, Linn County Oregon; thence South 87° 29' 23" East 541 feet along the south line of the property previously annexed by the City of Albany by Ordinance 4232, to the west property line of the property conveyed to Darrell and Bobbi Jo Johnson by a deed recorded in Linn County Oregon deed records 2018-3230; thence south 63 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the north right-of-way line of 53rd Avenue; thence east 449.60 feet along the north right-of-way line of 53rd Avenue, said line also being the Albany City limit line, to the southeast corner of said Johnson property; thence south 60 feet to the south right of way line of 53rd Avenue; thence west 450 feet, more or less, along the south right-of-way line of 53rd Avenue to the northernmost southeast corner of the property conveyed to LBCC by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence west along the property line of said LBCC property 155.22 feet, to an angle point; thence south 514 feet along the east line of said LBCC property to an angle point; thence west 91.62 feet to an angle point; thence south 300 feet to the south line of said LBCC property; thence west 292.5 feet to the point of beginning.

As shown on attached Exhibit 9-B, attached hereto and made a part hereof this legal description.

Exhibit 1-B Map of Century Drive Annexation

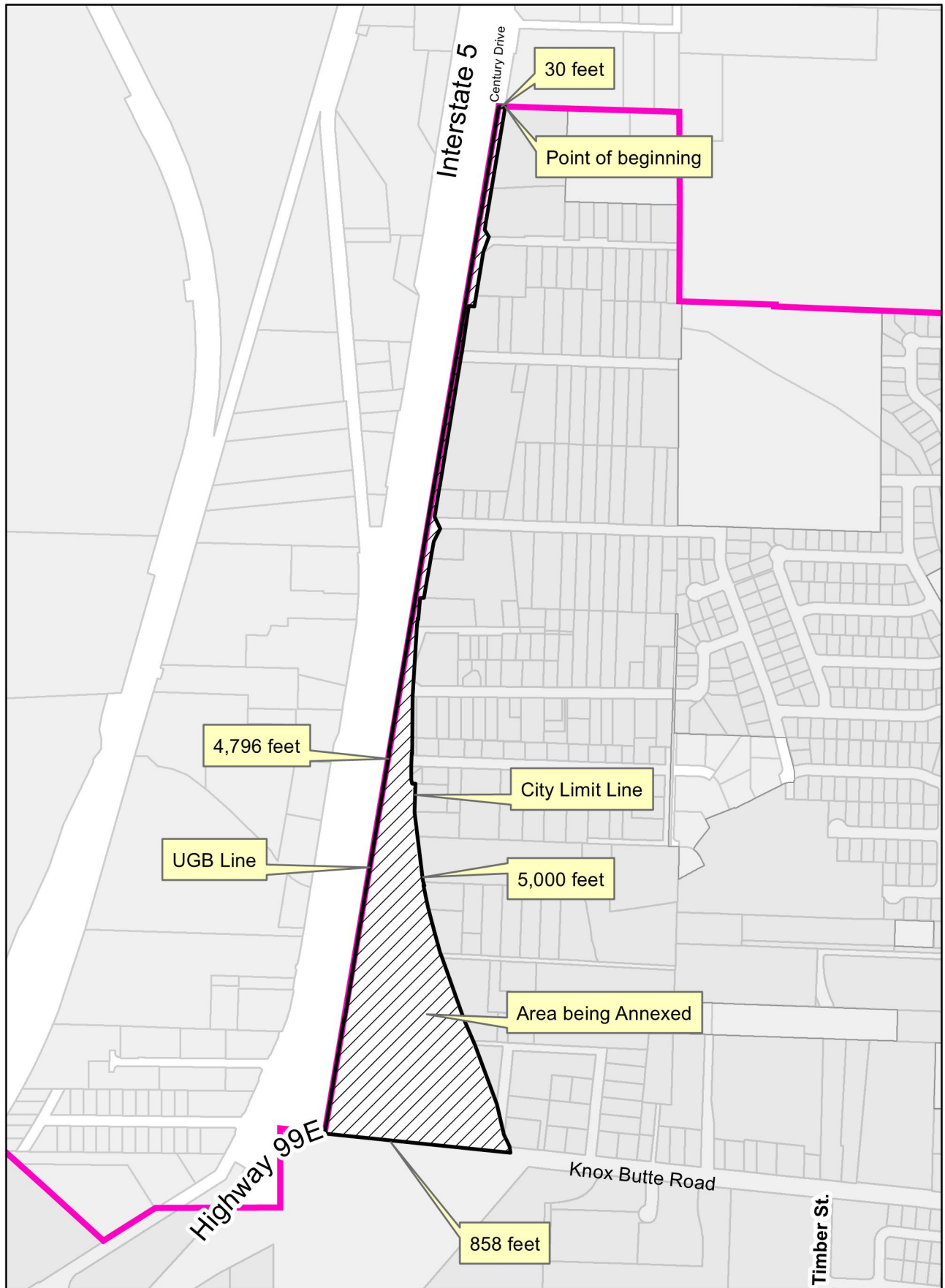


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation

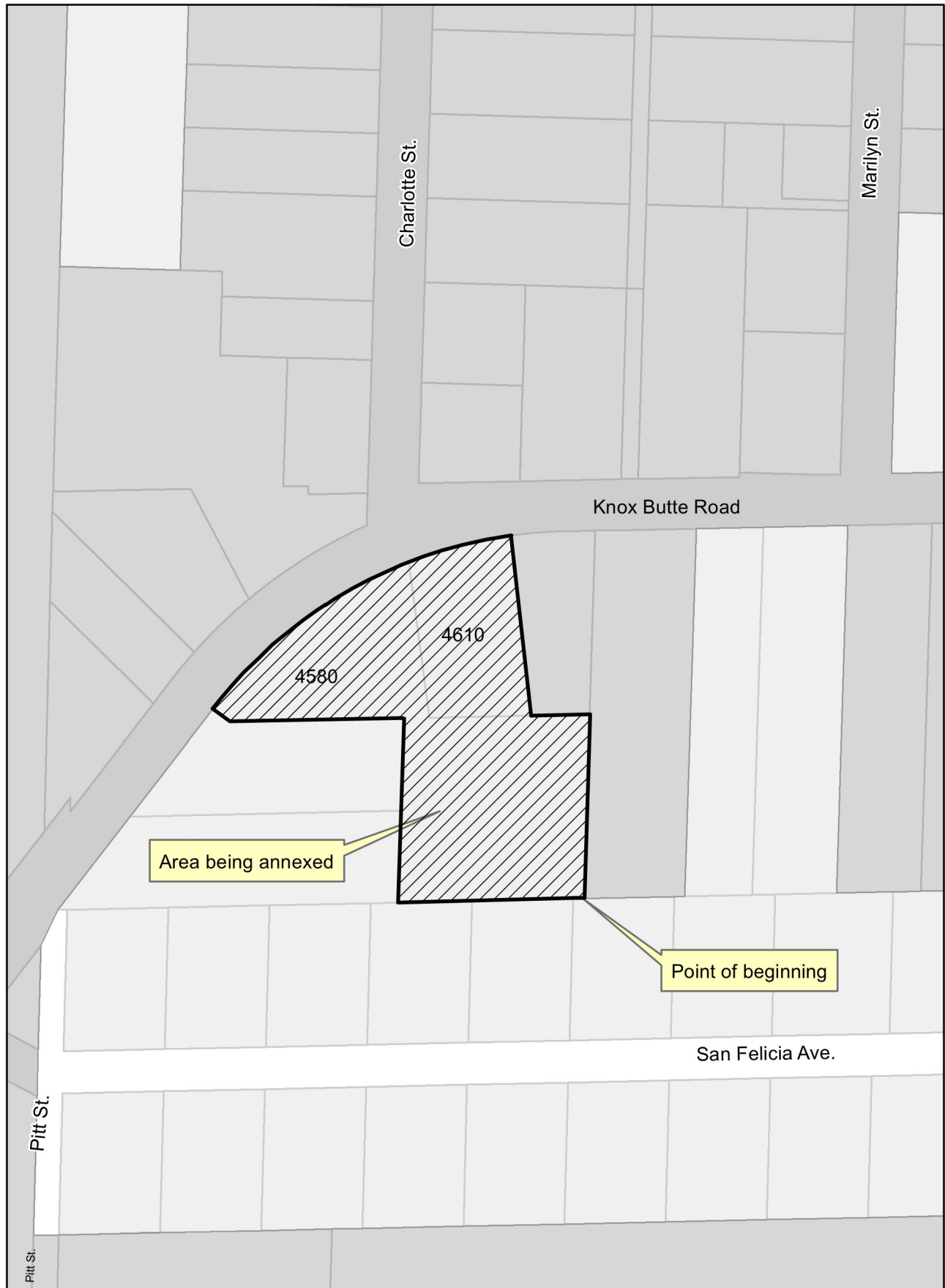


Exhibit 3-B Map of 488 Goldfish Farm Road area Annexation

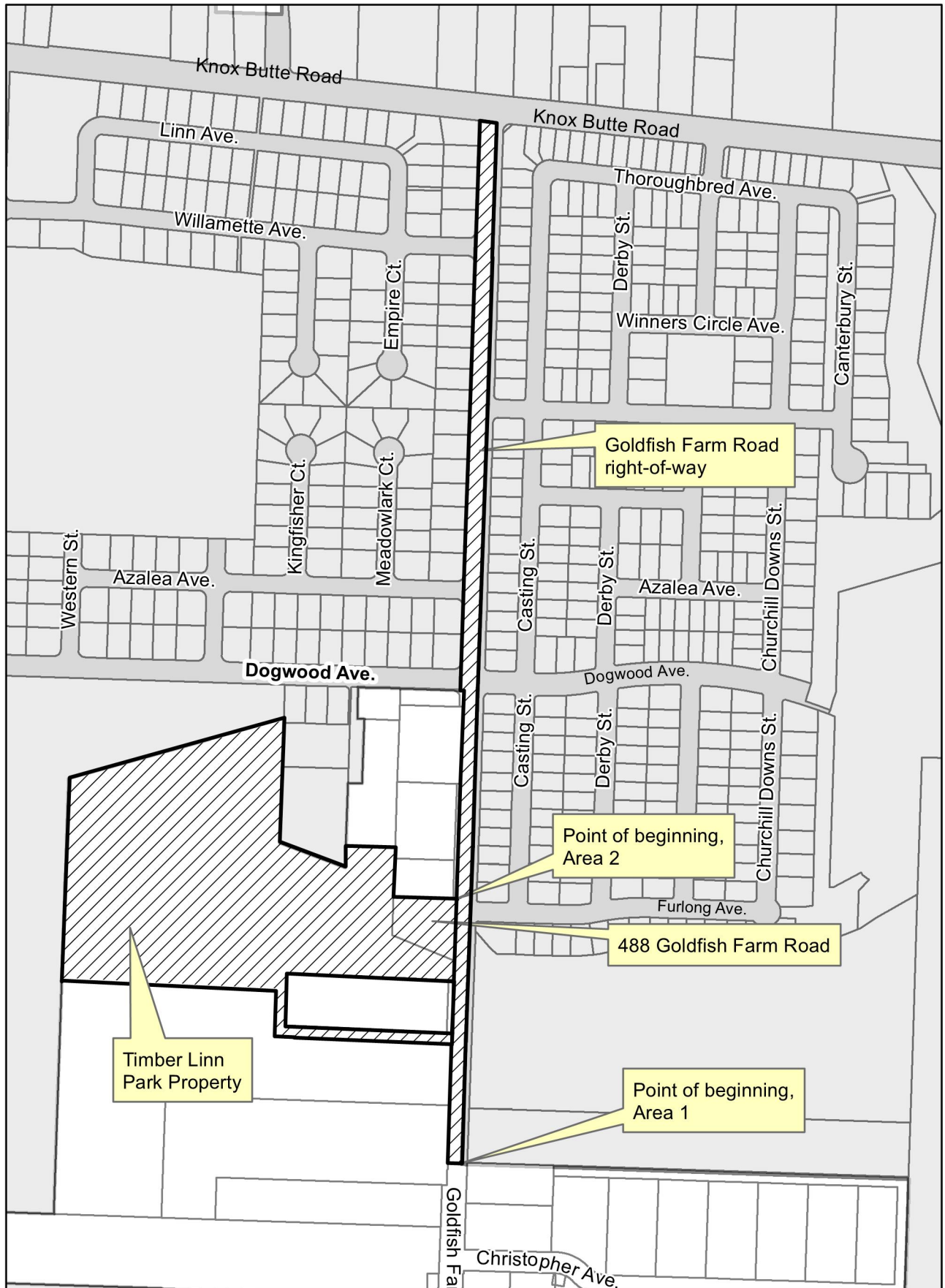


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



Exhibit 5-B Map of Highway 20 & 3525 & 3605 Circle Annexation

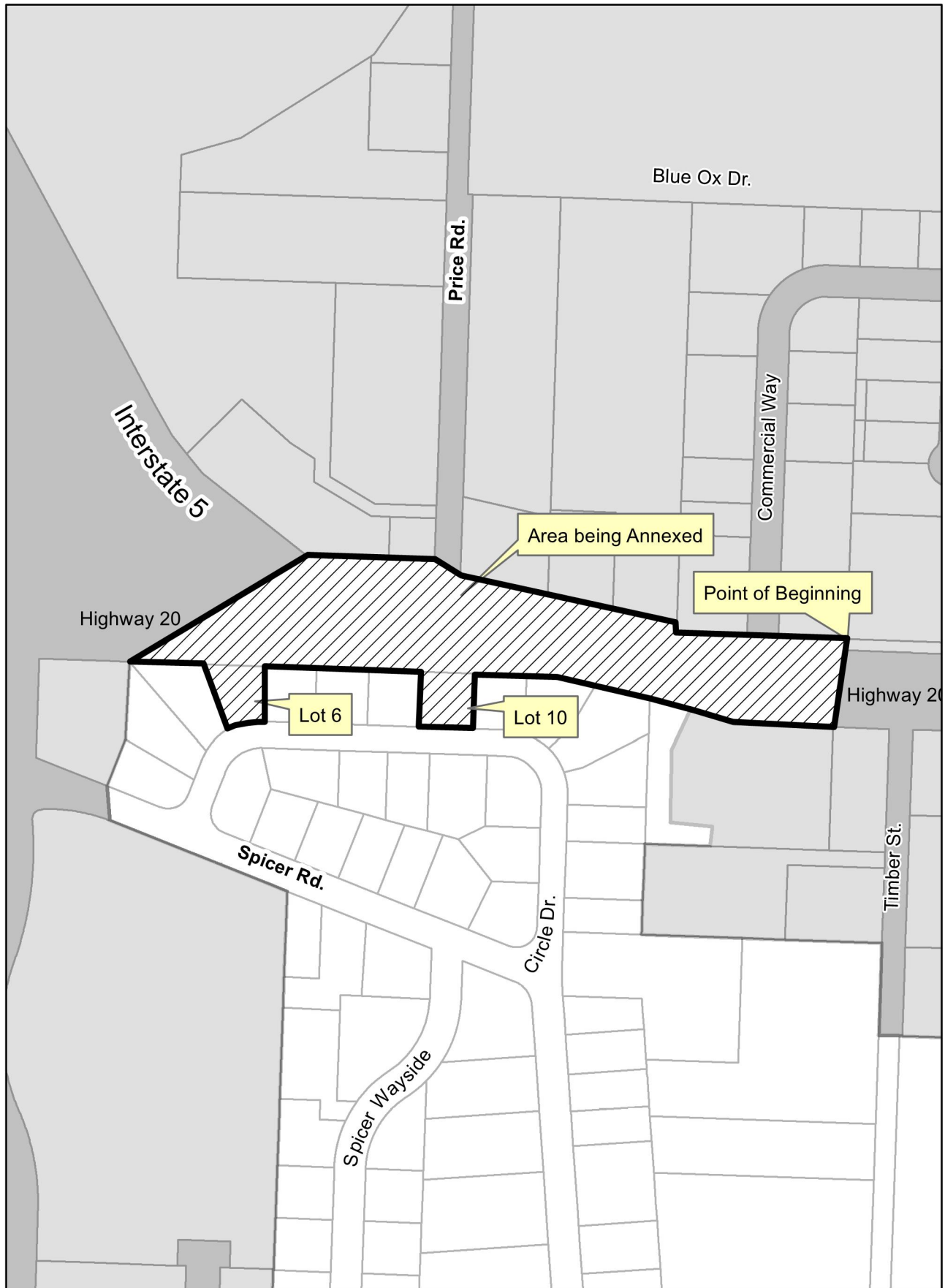


Exhibit 6-B Map of 3545 Spicer Road SE Annexation



Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

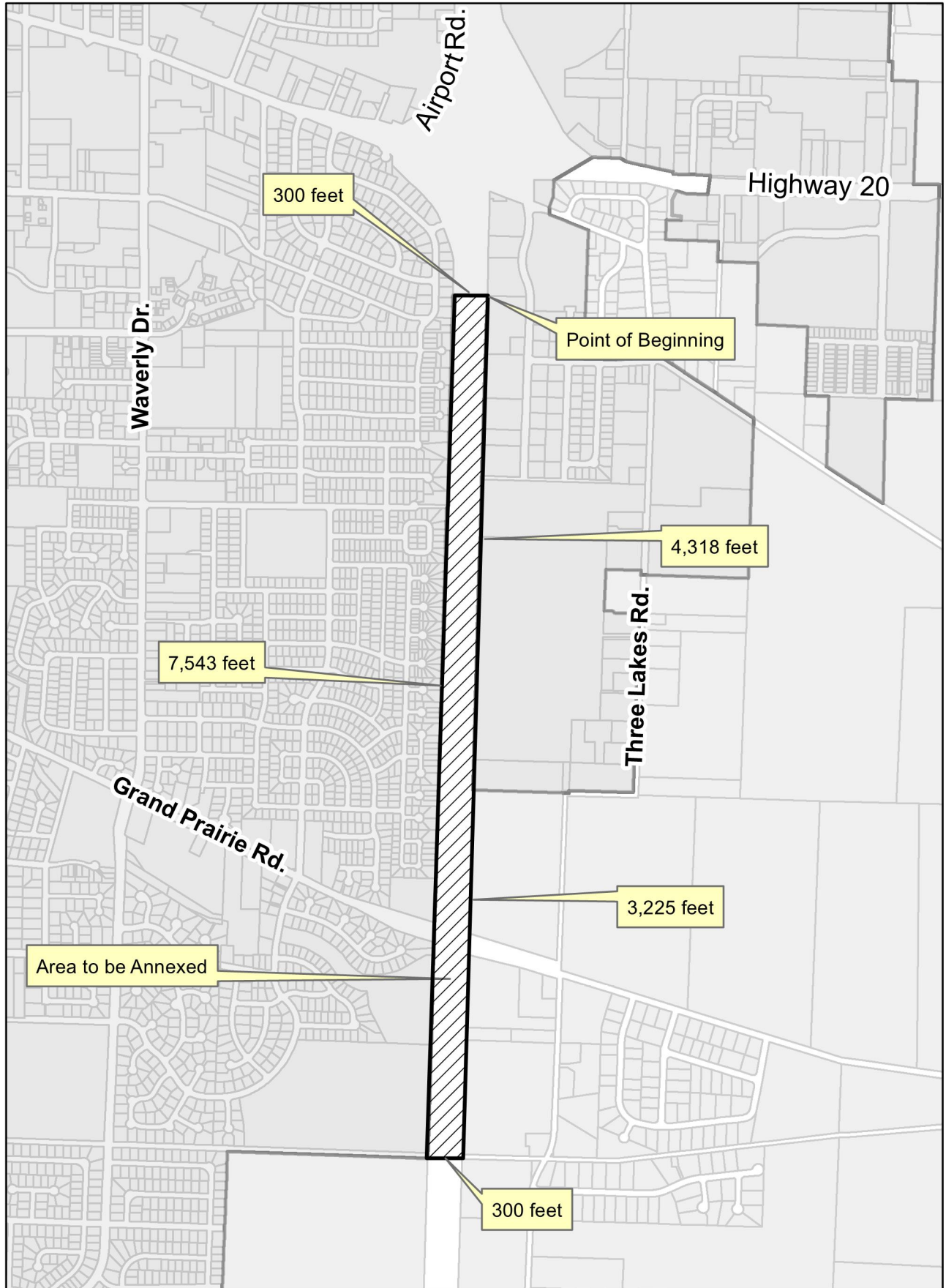


Exhibit 9-B Map of 2958 53rd Avenue Annexation



Exhibit C

Zoning Map Amendments

Addressed

4580 & 4610 Knox Butte Road; Map & Tax Lots 11S-03W-03A 7700 & 7800: UGA-UGM-20 to RS-6.5

3525 & 3605 Circle Drive SE; Map & Tax Lots 11S-03W-09AC 1000 & 600: UGA-RR-1 to RM

3545 & 3815 Spicer SE; Map & Tax Lots 11S-03W-09AC 2700 & 11S-03W-09D 2300: UGA-RR-1 to RS-6.5

488 Goldfish Farm Road SE; Map & Tax Lot 11S-03W-04DD 1100: UGA-UGM-5 to RS-6.5

937 Goldfish Farm Road SE; Map & Tax Lot 11S-03W-10 401: UGA-UGM-20 to RM

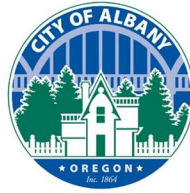
2958 53rd Avenue SW; Map & Tax Lot 11S-04W-24 625: UGA-UGM-20 to OS (west half) & RS-6.5 (east half)

Unaddressed

11S-03W-09D 2600 & 3200: UGA-RR-1 to RS-6.5

11S-04W-24 Portion of 500: UGA-UGM-20 to OS (west half) and RS-6.5 (east half)

11S-03W-04DD 1300: UGA-UGM-5 to RS-6.5 & OS



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING & PLANNING 541-917-7550

Staff Report

Annexation with Zoning Map Amendment

AN-03-23 and ZC-06-23

November 27, 2023

Hearing Information

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, December 4, 2023, at 5:15 p.m.**

Hearing Locations: This hearing will be conducted at the Albany City Council Chambers

Virtual: At 5:15 p.m., join the meeting using the link below:

<https://council.cityofalbany.net/groups/plc/zoom>

Phone: 1-253-215-8782; meeting ID: 837-8633-4863; passcode: 464432

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Review Body: **City Council**

Hearing Date and Time: **Wednesday, January 10, 2024, at 6:00 p.m.**

Hearing Location: This hearing will be conducted at the Albany City Council Chambers

Virtual: To comment/testify, please email cdaa@cityofalbany.net with your name, address, phone number, and if you are speaking for, against, or neutral on the topic.

Watch Livestream at 6:00 p.m.: <http://www.cityofalbany.net/livestream>

In-Person: Appear in person at the meeting and register to speak using the sign-up sheet.

Summary

This application is a request to 1) annex nine separate parcels of land that are outside the City limits and subject to Irrevocable Requests to Annex, along with adjacent right-of-way and several adjacent City of Albany properties; 2) application of City zoning designation(s) to said parcels; and 3) annex five areas of right-of-way that were inadvertently not annexed when the adjacent properties were annexed, concurrently with Zone Map Amendments from Linn County's UGA-UGM-20 zoning designation; Linn County's UGA-UGM-5 zoning designation, and Linn County's UGA-RR-1 zoning designation, to City of Albany's Residential Single Dwelling Unit (RS-6.5), Residential Medium Density (RM), and Open Space (OS) zoning designations, upon annexation. The Comprehensive Plan map designations of the subject properties are Public and Semi-public, Low Density Residential (LDR), Medium Density Residential, and Open Space (OS). According to the Planning Designation Zone Matrix found in Albany Development Code (ADC) Table 2.760-1, the proposed zoning designations are consistent with the Comprehensive Plan designation of the sites. In total, nine separate areas are being annexed, as shown on Attachment C.

The subject properties are eligible for annexation as they are contiguous to the City limits, located within the Albany Urban Growth Boundary (UGB), and can be or are served by public services.

With the annexation, the subject properties will also be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). Public notice will be published prior to the City Council public hearing, in accordance with Oregon Revised Statutes (ORS) 222.524.

The criteria for annexation are found in ADC 2.110, and the criteria for amending a zoning map are found in ADC 2.740. These criteria are addressed in the staff report and must be satisfied to grant approval for this application.

As shown in this report, the proposal satisfies all applicable review criteria; therefore, the staff recommendation for the proposal is to grant APPROVAL with CONDITIONS.

Application Information

Proposal:	Annexations with concurrent Zone Map Amendments
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	Gordon Steffensmeier, Engineering Manager/Assistant City Engineer
Applicant:	City of Albany; 333 Broadalbin Street SW; Albany, OR 97321
Addresses/Locations:	4580 and 4610 Knox Butte Road SE; 3525 and 3605 Circle Drive SE; 3545 and 3815 Spicer Road/Drive SE; 488 and 937 Goldfish Farm Road SE; 2958 53rd Avenue SE; and adjacent City of Albany properties on Goldfish Farm Road, Spicer Drive, and 53rd Avenue.
Map/Tax Lot:	Linn County Assessor's Map No. 11S03W09AC Tax Lots 600, 1000, 2700 & 11S03W09D Tax Lots 2300, 2600, 3200, & 11S03W03A Tax Lots 7700 and 7800, & 11S03W04DD Tax Lots 1100 and 1300, & 11S03W10 Tax Lot 401, & 11S04W24 Tax Lots 625 and portion of 500.
Zoning:	Linn County Zones UGA-UGM-20, UGA-UGM-5, UGA-RR-1
Comprehensive Plan Map:	Residential Low Density, Residential Medium Density, Public and Semi-Public, and Open Space
Acres:	Approximately 26 acres, not including right-of-way
Existing Land Use:	Eight single family dwellings, one equestrian facility, several vacant properties.
Prior History:	The below listed properties were connected to City services, subject to an Irrevocable Request to Annex, as follows. 4610 Knox Butte Road connected to City sewer in 2004. 4580 Knox Butte Road connected to City sewer in 2012. 937 Goldfish Farm Road connected to City sewer in 2004. 488 Goldfish Farm Road connected to City water in 2013. 3525 Circle Drive connected to City sewer in 2019. Previously connected to City water. 3605 Circle Drive connected to City sewer in 2022. Previously connected to City water. 3545 Spicer Drive connected to City sewer in 2018. Previously connected to City water. 3815 Spicer Drive connected to City sewer in 2008. Previously connected to City water. 2958 53rd Avenue SW connected to City water in 2009.

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV quasi-judicial land use review process. The planning commission will hold a public hearing to consider proposed amendments and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed amendments. After closing the public hearing, the city council will deliberate and make a final decision.

Within five days of the city council's final decision on this application, the Community Development Director will provide written notice of decision to the applicant and any other parties entitled to notice. The city council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the notice of decision is mailed [ADC 1.250(8) and (9)].

Public Notice

Public notice was provided in accordance with Type IV legislative and quasi-judicial procedures. Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) on October 31, 2023, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and ADC 1.250(4) and 1.260(2).

Public notices were mailed to surrounding property owners within 300 feet of each of the subject properties being annexed on November 13, 2023, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted on each of the subject properties on November 20, 2023, in accordance with ADC 1.410. Notice of the public hearings was published in the *Albany Democrat-Herald* on November 16, 2023, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on November 27, 2023, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had received one written comment regarding the proposed project.

PUBLIC COMMENT #1

Deborah Hughes, a landowner on 53rd Avenue SW, expressed concerns about the floodplain and significant wildlife habitat in the vicinity of the Linn Benton Community College (LBCC) Equestrian Facility being annexed to the City. She believes these constraints significantly reduce the suitability to support residential homes (Attachment F).

STAFF RESPONSE (PLANNER DAVID MARTINEAU)

While the property will be zoned Open Space on the west side and RS-6.5 on the east side, no development is being proposed. The property is owned by LBCC, and its assigned zoning is consistent with the Comprehensive Plan designation of the site. The property is subject to an Irrevocable Request to Annex approved in 2009, which binds LBCC to consent to annexation in exchange for connecting to the City water system (see Attachments D.7 – D.9). The City Council directed staff to annex all the properties subject to irrevocable requests.

PUBLIC COMMENT #2

Bobbi Jo Johnson, of 2605 53rd Avenue SW, states that the LBCC Equestrian Center property is not contiguous to the city limits. The site is also not served by City sewer. The proposed RS-6.5 zoning is not consistent with neighboring properties. Adding 42 or more homes on the subject property would be devastating to their tiny community, especially without the infrastructure to support it. There are no transportation facilities, sewer, or storm sewer. City Police and Fire cannot accommodate the potential development (see Attachment G)

STAFF RESPONSE (ENGINEERING MANAGER GORDON STEFFENSMEIER)

The LBCC property is being annexed along with a portion of the City's landfill property and 53rd Avenue right-of-way. Those areas are contiguous to city limits and contiguous to the LBCC property. City sewer is available 930 feet to the east of the property in 53rd Avenue. If the LBCC property is further developed, city standard street, storm drainage, and sewer improvements will need to be extended to the property. The required legal

notices for this action have been provided. No development proposals have been submitted for this property. The property is merely being annexed along with the other eight properties in the Urban Growth Boundary that are subject to Irrevocable Requests to be annexed. The abutting street, 53rd Avenue SW is a transportation facility. If the owner of the LBCC property wishes to further develop the property, they will be required to extend sewer, storm drainage, and street improvements along 53rd Avenue to the property.

STAFF RESPONSE (PLANNER DAVID MARTINEAU)

The proposed RS-6.5 zoning designation on the east side of the LBCC property is consistent with the zoning of all properties along 53rd Avenue SW that are located within the City. It should be noted that the Linn Benton Community College main campus is also zoned RS-6.5.

Analysis of Development Code Criteria

The ADC includes the following review criteria, which must be met for this application to be approved. Code criteria are written in *bold* followed by findings, conclusions, and conditions of approval where conditions are necessary to meet the review criteria.

Annexation (ADC 2.110)

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

Criteria 1

***Eligibility Criteria:** The City shall determine that property is eligible for annexation based on the following criteria:*

- (a) *The property is contiguous to the existing city limits; and*
- (b) *The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.*

Findings of Fact

- 1.1 The proposed annexations consist of 13 properties, and sections of rights-of-way.
- 1.2 The subject properties are each contiguous to the current city limits or are contiguous when the adjoining right of way or city property is also annexed.
- 1.3 The subject properties are located within the Albany Urban Growth Boundary (Attachment C).

Conclusions

- 1.1 The subject properties are contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject properties are eligible for annexation and these criteria are satisfied.

Criteria 2

***Infrastructure Criteria:** The City shall determine that it is timely to annex property based on the following criterion:*

- (a) *An adequate level of urban services and infrastructure is available or will be made available in a timely manner.*
- (b) *As used in this section:*
 - i. *“Adequate level” means conforms to adopted plans and ordinances.*
 - ii. *“Urban services” means police, fire, and other City-provided services.*
 - iii. *“Infrastructure” means sanitary sewer, water, storm drainage, and streets.*
 - iv. *“Be made available in a timely manner” means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

Findings of Fact

- 2.1 Fire: Adequate public water for fire protection is currently available for these areas. The Albany Fire Department currently provides fire protection to all nine properties and rights-of-way. With the annexation, the subject properties will be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD).
- 2.2 Police: Police service to these properties would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show that all of the properties in Areas 2-7 have sewer mains adjacent to the properties, with the exception of the Timber Linn Park property and the two City properties at Spicer and Three Lakes Road which are to be part of a future street roundabout. Sewer is not needed for those properties. Sewer is also not needed for the rights-of-way in Areas 1 and 8. Sewer to the LBCC property in Area 9 is located 925 feet to the east. That sewer main is deep enough to serve the property in the future.
- 2.4 Water: City utility maps show that water is adjacent to all of the properties in Areas 3-7 and Area 9. Areas 1 and 8 are rights-of-way and don't need City water. Area 2 is in the Knox Butte, Charlotte, and Marilyn neighborhood which has no City water. Over 75 properties in that area are in city limits and on City sewer, but not on City water because no City water is available. The properties in Area 2 are fully developed with houses, water wells and City sewer.
- 2.5 Storm Drainage: Except for the Linn Benton Community College equestrian facility, all the other properties are fully developed with houses. Those properties discharge to the storm drainage system.
- 2.6 Transportation Infrastructure: All the areas are developed and connected to the public street system.

Conclusions

- 2.1 Police and Fire services are currently available to serve the properties proposed for annexation.
- 2.2 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject properties.
- 2.3 The areas proposed for annexation adjoin improved streets.
- 2.4 The transportation system already supports the existing developments in each area.
- 2.5 This criterion is satisfied.

Criteria 3

Planning Criteria: The City shall determine that adequate planning has occurred based on the following criterion:

Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.

Findings of Fact

- 3.1 Public infrastructure facility plans in this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.2 The proposed annexations consist of 13 properties; nine properties subject to Irrevocable Requests to Annex, and four adjacent City properties. There are also several areas of rights-of-way being annexed.
- 3.3 The Comprehensive Plan map designations of the subject properties are Public and Semi-public, Low Density Residential (LDR), Medium Density Residential, and Open Space (OS). The request includes the application of the City's zoning designation Residential Single Dwelling Unit (RS-6.5), Residential Medium Density (RM), and Open Space (OS) zoning designations which is consistent with the LDR

plan map designation.

- 3.4 Public facilities that would be required to serve future development on the subject properties are available at or near each site.
- 3.5 As discussed under Criterion 2 (above), an adequate level of urban services and infrastructure are available to serve the subject properties; those findings are included here by reference.

Conclusions

- 3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject properties.
- 3.2 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering these areas.

Criteria 4

***Reasonableness:** The city council shall determine that the proposed annexation is reasonable.*

Findings of Fact

- 4.1 The subject properties abut the existing city limits, and the properties proposed for annexation lie within the UGB. Because the property proposed for annexation is within the UGB, the area is intended to be served by City services.
- 4.2 An adequate level of urban services and infrastructure is currently available to serve the properties proposed for annexation.
- 4.3 The current owners or a previous owner submitted Irrevocable Requests to Annex which were recorded at the Linn County Recorder's Office.
- 4.4 The proposed annexations are consistent with the Comprehensive Plan.

Conclusions

- 4.1 The proposed annexation is reasonable because the property abuts the city limits, it is located within the UGB, it can be served by City services and infrastructure, and it is consistent with the Comprehensive Plan.
- 4.2 This criterion is satisfied.

Zoning Map Amendments (ADC 2.740)

Zoning Map amendments will be approved if the council finds that the applicant has shown that all of the following criteria are met.

Criterion 1

The proposed base zone is consistent with the Comprehensive Plan Map Designation for the entire subject area unless a Plan map amendment has also been applied for.

Findings of Fact

- 1.1 The proposed annexations consist of 13 properties. The parcels are identified on Linn County Assessor's Map No. 11S03W09AC Tax Lots 600, 1000, 2700 & 11S03W09D Tax Lots 2300, 2600, 3200, & 11S03W03A Tax Lots 7700 and 7800, & 11S03W04DD Tax Lots 1100 and 1300, & 11S03W10 Tax Lot 401, & 11S04W24 Tax Lots 625 and portion of 500.
- 1.2 The subject properties are zoned Linn County's Urban Growth Area – Urban Growth Management UGA-UGM-20, UGA-UGM-5, and UGA-RR-1.
- 1.3 The proposal is for a zoning map amendment from Linn County's zoning to the Albany's Single Dwelling Unit Residential (RS-6.5), Residential Medium Density (RM) and Open Space (OS) zones upon annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.4 The Comprehensive Plan Map designation for the properties are Low Density Residential (LDR) Medium Density Residential (MDR) and Open Space (OS).

- 1.5 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-6.5 zoning district is consistent with the LDR Comprehensive Plan Map Designation.

Conclusion

- 1.1 The proposed RS-6.5, RM, and OS zones are consistent with the Comprehensive Plan Map Designations and the long-range land use designations that are planned for the subject property.
- 1.2 This criterion is satisfied.

Criterion 2

Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.

Findings of Fact

- 2.1 This criterion is addressed under Criterion Two of the Annexation review criteria; those findings and conclusions are included here by reference.
- 2.2 The transportation system can support residential development of the unimproved tract and the existing development of the improved property under the proposed RS-6.5 and OS zoning districts.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-6.5, RM, and OS zoning districts.
- 2.2 This criterion is satisfied.

Criterion 3

Existing or anticipated services (water, sanitary sewers, storm sewers, schools, and police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.

Findings of Fact

- 3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.
- 3.2 Public services and infrastructure are available to accommodate potential residential development of the site, as permitted under the proposed RS-6.5 and RM zoning districts.
- 3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.
- 3.4 The proposed zoning of properties to RS-6.5 would allow for single dwelling development of up to six units per acre. Properties proposed for RM zoning would allow for multiple dwellings at a density of 25 units per acre. The Greater Albany School District was informed of the proposed amendment, and no comments were received as of the time this staff report was published. Any new residential development on the sites may be obligated to pay school system development charges to support the school system infrastructure and services.

Conclusions

- 3.1 Public services and utilities (sanitary sewer, water, and storm drainage) are adequate to serve potential development on the subject property under the proposed RS-6.5 and RM zoning districts.
- 3.2 This criterion is satisfied.

Criterion 4

The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

Findings of Fact

- 4.1 The current zone of the subject properties is Linn County's UGA-UGM-20, UGA-UGM-5, and UGA-RR-1 and the proposed zone for the properties is Albany's RS-6.5, RM and OS zoning districts.

- 4.2 According to ADC 3.020(3), the RS-6.5 zoning district is *“intended primarily for low-density urban residential development. The average minimum detached single-dwelling unit lot size is 6,500 square feet.”* The intent and purpose of the RS-6.5 zone is consistent with LDR Comprehensive Plan Map Designation.
- 4.3 According to ADC 3.020(5), the RM zoning district is *“primarily intended for medium-density residential urban development. Multi-family and townhouse development may not exceed 25 units per gross acre.”* The intent and purpose of the RM zone is consistent with MDR Comprehensive Plan Map Designation.
- 4.4 According to ADC 6.020, the OS zoning district is *“intended for the continuation and preservation of existing agricultural uses, park and recreation areas, wildlife habitats, wetlands, natural area, flood conveyance, and uses that do not involve the construction of structures other than minor accessory facilities required to conduct the principal use.”* The intent and purpose of the OS zone is consistent with OS Comprehensive Plan Map Designation.
- 4.5 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-6.5, RM, and OS zoning designation “best satisfies” the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

Policy 2: When making land use and other planning decisions:

- a. *Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.*
- b. *Utilize all criteria relevant to the issue.*
- c. *Ensure the long-range interests of the general public are considered.*
- d. *Give particular attention to input provided by the public.*
- e. *Where opposing viewpoints are expressed, attempt to reach consensus where possible.*

Policy 3: Involve the general public in the use, evaluation, and periodic review and update of the Albany Comprehensive Plan.

Policy 4: Ensure information is made available to the public concerning development regulations, land use, and other planning matters including ways they can effectively participate in the planning process.

- 4.6 The ADC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. In accordance with the Type IV legislative and quasi-judicial process for a zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject properties and affected government agencies. Notice of the public hearings was also posted on the subject properties and published in the *Albany Democrat Herald*. People who were notified of the public hearings are invited to submit comments or questions about the application prior to or at the hearing.

At the public hearings, the application is reviewed based on all criteria relevant to the proposal. Public hearings provide the opportunity for people to express their opinion about the proposed changes, and where opposing viewpoints are expressed, to try to reach consensus. The planning commission and city council facilitate this process at the public hearings. Based on these provisions, citizens have ample opportunity to review and comment on the proposed zoning map amendment.

Statewide Planning Goal 2: Land Use Planning-Land Use Designations (Chapter 9)

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

- 4.7 According to the Albany Comprehensive Plan, “The relationship of the Plan designations to the zoning districts is summarized graphically in the ‘Plan Designation Zoning Matrix’. This matrix is for determining the compatibility of a particular zoning district with any given Plan designation. The matrix

shows what zoning districts are compatible with each Plan designation”. The LDR Comprehensive Plan Map Designation includes the RS-6.5 zoning district, and the MDR Designation includes the RM zoning district. The OS Comprehensive Plan Map Designation includes the OS zoning district.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources (Chapter 1)

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

Policy 1: Protect and enhance wetlands adopted as significant in the Local Wetland Inventory.

Policy 2: Prohibit development within significant wetlands except for planned public utilities and infrastructure.

Policy 3: Within the city limits, wetlands within a floodway or significant riparian corridor shall receive protection and any development proposed shall not degrade the resource.

- 4.8 According to the City’s Local Wetland Inventory and National Wetland Inventory, some of the subject properties contain significant wetlands and/or are located within the riparian corridor overlay.
- 4.9 According to FEMA FIRM Panel No. 41043C0507G, dated September 29, 2010, portions of the LBCC equestrian property lie within the mapped floodway of the Special Flood Hazard Area.
- 4.10 Tax lots 11S03W04DD-01300 (Timber Linn Park) and 11S04W24 – 0625 (LBCC) contain significant wetlands, riparian corridor, floodway, and floodplain. The proposed zone change will not impact the protected Goal 5 portions of the properties.
- 4.11 Portions of tax lots 11S03W04DD-01300 (Timber Linn Park) and 11S04W24 – 0625 (LBCC) are located within the Open Space Comprehensive Plan Map designation. The City proposes to zone the portions of the properties located within the Open Space Comprehensive Plan map designation as Open Space (OS). The ADC contains standards which limit the amount and types of development that may occur within the OS zoning district.

Statewide Planning Goal 10: Housing (Chapter 4)

Goal 1: Provide a variety of development and program opportunities that meet the housing needs of all Albany’s citizens.

Goal 2: Create a city of diverse neighborhoods where residents can find and afford the values they seek.

Policy 1: Ensure an adequate supply of residentially zoned land in areas accessible to employment and public services.

Policy 2: Provide a variety of choices regarding type, location, density and cost of housing units corresponding to the needs and means of city residents.

Policy 6: Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.

Policy 7: Require residential densities to be commensurate with the availability and adequacy of public facilities and services.

- 4.12 As discussed under Annexation Criterion 2, the subject properties are located in an area accessible to employment and public services. All City services are available to serve residential development on the subject properties; those findings and conclusions are included here by reference.
- 4.13 The proposed zone amendments from UGA-UGM-20, UGA-UGM-5, and UGA-RR-1 to RS-6.5, RM, and OS is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-6.5 is a compatible zoning district for the LDR Comprehensive Plan Map designation, RM is compatible with the MDR designation, and OS is the compatible zoning district for the OS Comprehensive Plan Map designation. Therefore, the zoning map amendment from UGA-UGM-20, UGA-UGM-5, and UGA-RR-1 to RS-6.5, RM, and OS is consistent with applicable housing policies of the Comprehensive Plan.

- 4.14 In 2019, the City conducted a buildable lands inventory and prepared a Housing Needs Analysis to better understand its capacity for residential growth within city limits and the Urban Growth Boundary to 2040. As proposed, the zone designation of RS-6.5 and RM would increase the amount of buildable land supply for development of low-density residential housing.

Statewide Planning Goal 14: Urbanization (Chapter 8)

Goal 1: Achieve stable land use growth which results in a desirable and efficient land use pattern.

Policy 1: Encourage urban level development to locate within the city limits of the Albany Urban Growth Boundary, unless such development can occur under annexation procedures (such as consent, delayed, and contract annexations).

Policy 2: Discourage low-density sprawl development within the unincorporated portion of the Urban Growth Boundary that cannot be converted to urban uses when urban services become available.

Policy 3: Since the undeveloped portions of the urban fringe are in transition from rural to urban uses, development in these areas shall occur in a manner consistent with the City of Albany and Linn and Benton Counties' Comprehensive Plans and implementing ordinances.

Policy 8: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

- 4.15 Goal 14 requires the City to forecast future growth needs and establish an urban growth boundary to separate land needed for urbanization from rural land. Goal 14 further states "land within the boundaries separating urbanizable land from rural land shall be considered available over time for urban uses." The subject properties are located within the Urban Growth Boundary.
- 4.16 Public facilities that would be required to serve future development on the subject properties are available at or near the site.
- 4.17 The proposed RS-6.5, RM, and OS zones will ensure that development potential is known, and the properties are subject to the applicable City development regulations. By annexing, land can be developed more intensely in this case allowing for residential development at urban-level densities, discouraging low-density sprawl, and supporting the logical and efficient extension of public facilities and City services consistent with Comprehensive Plan Policies 1, 2, 3, and 8.
- 4.18 The proposed annexation consists of 13 properties. All of the properties subject to Irrevocable Requests to Annex are already developed. The four City properties are vacant and are either part of a City park, part of a landfill property, or will be part of a future roundabout. All City services are available to serve further development on the subject properties.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendments adhere to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendments to RS-6.5, RM and OS are compatible with the Low Density Residential, Medium Density Residential and Open Space Comprehensive Plan Map designations respectively.
- 4.3 Goal 5, Open Spaces – Wetlands. Some of the subject properties are located within inventoried significant wetlands, riparian corridors, mapped floodway and floodplain. The submitted application does not indicate any development will occur within the Goal 5 protected areas. The proposed zoning map amendment to OS will make the proposed land use consistent with the intent of the open spaces and natural resources polices of the Comprehensive Plan.
- 4.4 Goal 10, Housing. The proposed zoning map amendments will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan.

- 4.5 Goal 14, Urbanization. The proposed zones are consistent with policies contained in the Comprehensive Plan. The logical extension of public facilities allows development at urban level densities, consistent with Goal 14, Urbanization.
- 4.6 The intent and purpose of the proposed RS-6.5 zoning district best satisfies the goals and policies of the Comprehensive Plan.
- 4.7 This criterion is satisfied.

Criterion 5

The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan, or study has been followed, unless the applicant demonstrates good cause for the departure from the plan or study.

Findings of Fact and Conclusion

- 5.1 The Transportation Plan relevant for the subject property is the Albany TSP. The TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 OAR 660-012-0060(1) and (2) require land use regulation amendments, including amendments to zoning maps, to determine if the amendment will have a "significant affect" on transportation facilities and, if so, can it be mitigated. However, OAR 660-012-0060(9) provides that a zoning map amendment does not need to include this analysis, and the City can make a finding of no "significant affect", if:
- a. A zoning map amendment is consistent with the existing comprehensive plan designation and does not change the comprehensive plan map designation.
 - b. The City has an acknowledged Transportation System Plan ("TSP") and the proposed zoning is consistent with the TSP; and
 - c. The area of the zoning map amendment was not exempted from the Transportation Planning Rule (TPR) Analysis at the time of the UGB amendment. OAR 660-012-0060(9)(a)-(c).

The subject properties comply with these criteria as follows:

- a. Albany's Comprehensive Plan Map within the acknowledged Albany Comprehensive Plan designates the subject properties as Low Density Residential, Residential Medium Density and Open Space. The proposed zoning amendments would not change the comprehensive plan map designations and the RS-6.5, RM, and OS zoning districts are implementing zones for the Low-Density Residential and Medium Density Residential designations and the Open Space Comprehensive Plan map designations.
 - b. The Albany TSP assumed these sites would be annexed into the city and developed. The proposed RS-6.5, RM, and Open Space zones are compatible with the long-range plans.
 - c. The subject property has been in the City's UGB since the time of adoption of the Comprehensive Plan and was not exempted from the Transportation Planning Rule. The City can find that all three of these requirements are met.
- 5.3 The subject properties adjoin improved streets.

Conclusions

- 5.1 The proposed zone amendments to RS-6.5, RM, and OS will not modify the transportation pattern envisioned by the TSP.
- 5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment from Linn County zone UGA-UGM-20, UGA-UGM-5, and UGA-RR-1 to Albany Single Dwelling Unit Residential (RS-6.5), Residential Medium Density (RM) and Open Space (OS) zones satisfies all applicable review criteria outlined in this report.

Conditions

Condition 1: At the time of annexation, the subject property shall be removed from the taxing district of the Albany Rural Fire Protection District (ARFPD). into the Albany Fire District.

Options for the Planning Commission

The planning commission has three options with respect to the proposed annexation with zone change:

- Option 1: Recommend the city council approve the request as proposed.
- Option 2: Recommend the city council approve the request with conditions; or
- Option 3: Recommend the city council deny the request.

Motion

Based on findings and conclusions presented in this report, staff recommends the planning commission choose Option 2 and recommend approval of the annexation and zone change as conditioned. If the planning commission follows this recommendation, the following motion is suggested:

I move that the planning commission recommend that the city council approve the land use application for annexation with concurrent rezone to RS-6.5, RM, and OS under planning files AN-03-23 and ZC-06-23, as described in the November 27, 2023, staff report as conditioned. This motion is based on the findings and conclusions in the staff report and the findings in support of the application made by the planning commission during deliberations on this matter.

Attachments

- A. Legal Descriptions
- B. Maps of Each Area to be Annexed
- C. Annexation Areas Site Plan
- D. Signed Irrevocable Requests
- E. Property Owner Letters dated August 25, 2023
- F. Public Comment Letter from Deborah Hughes dated November 20, 2023
- G. Public Comment Letter from Bobbi Jo Johnson dated November 20, 2023

Exhibit 1-A Legal Description for Century Drive Annexation

Annexing the area between the existing City limit line along the east right-of-way line of Century Drive and the Urban Growth Boundary line, north of Knox Butte Road, more particularly described below.

Beginning at the northwest property corner of Parcel 1 of Linn County, Oregon, Partition Plat No. 2006-74, said point laying on the east right-of-way line of Century Drive, said point also lying at the northwest corner of the existing City limit line and on the north line of the Albany Urban Growth Boundary line; thence west 30 feet along the Albany Urban Growth Boundary line to the west line of the Albany Urban Growth Boundary line; thence South $9^{\circ} 23''$ West 4,796 feet along the Albany Urban Growth Boundary line to the existing City limit line; thence South 84° East 858 feet along the existing City limit line to the easterly right-of-way line of Century Drive, said easterly right-of-way line also being the current Albany City limit line; thence Northerly along the easterly right-of-way line of Century Drive 5,000 feet, more or less, to the point of beginning. As shown on attached Exhibit 1-B, attached hereto and made a part hereof this legal description.

Exhibit 2-A Legal Description for 4580 and 4610 Knox Butte Road Annexation

Annexing the properties at 4580 and 4610 Knox Butte Road, SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868, said point also lying on the Albany City limit line; thence north 218 feet along the east property line of the Johnston property, said line also being the Albany City limit line, to the southeast corner of the property conveyed to Sean and April Johnson by a deed recorded in Linn County Oregon deed records 2018-16527; thence west 70 feet along the south line of said Johnson property, said line also being the City limit line, to the southwest corner of said Johnson property, said point also being the southeast corner of the property conveyed to Wesley and Lila Lokey by a deed recorded in Linn County Oregon deed records MF 1089-489; thence north 214.55 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the south right-of-way line of Knox Butte Road; thence southwest 418.85 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the westernmost property corner of the property conveyed to Raymond C. Johnston by a deed recorded in Linn County Oregon deed records 2016-20868; thence southeast along the south property line of said Johnston property 25 feet to an angle point; thence east 207 feet along the south property line of said Johnston property to an angle point; thence south 218 feet along the west property line of said Johnston property to the north line of San Felicia Acres subdivision; thence east 220 feet along the north line of San Felicia Acres subdivision to the point of beginning.

As shown on attached Exhibit 2-B, attached hereto and made a part hereof this legal description.

Exhibit 3-A Legal Description for Goldfish Farm Road right-of-way, 488 Goldfish Farm Road, and Timber Linn Park property Annexation

Annexing an area of Goldfish Farm Road right-of-way, Timber Linn Park property, and 488 Goldfish Farm Road SE, more particularly described below.

Area 1 – Goldfish Farm Road right-of-way.

Beginning at a point 18 feet west of the southwest corner of Tract B of Brandis Meadows subdivision, in Albany, Linn County, Oregon, said point lying 18 feet west of the east right-of-way of Goldfish Farm Road, said point also lying on the Albany City limit line; thence north 2,957 feet along a line 18 feet west of the east right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right of way line of Knox Butte Road; thence west 50 feet along the south right-of-way line of Knox Butte Road, said line also being the Albany City limit line, to the west right of way line of Goldfish Farm Road; thence south 1,622 feet along the west right of way line of Goldfish Farm Road, said line also being the Albany City limit line, to the south right-of-way line of Dogwood Avenue; thence east 10 feet along the south right-of-way line of Dogwood Avenue to the west right-of-way line of Goldfish Farm Road; thence south 1,341 feet along the west right-of-way line of Goldfish Farm Road to a point directly west of the southwest corner of Tract B of Brandis Meadows subdivision; thence east 40 feet to the point of beginning.

Together with –

Area 2 – Timber Linn Park Property and 488 Goldfish Farm Road

Beginning at a point on the west right-of-way line of Goldfish Farm Road, said point lying on the south property line of that property conveyed to Dennis J. Burton by a deed recorded in Linn County, Oregon, deed records MF 518-563; thence west along the south property line of said Burton parcel 179.79 feet to the southwest corner of said Burton parcel; thence north 110.80 feet along the west property line of said Burton parcel to the northwest corner said Burton parcel; thence north 29.21 feet along the west property line of the property conveyed to the Loretta L. Norris Revocable Living Trust by a deed recorded in Linn County Deed Records 2017-4488, to the northeast corner of the City of Albany property purchased from Karen L Buhl by a deed recorded in Linn County, Oregon deed Records MF 1225-648; thence west 139.96 feet along the north line of said City of Albany property to the east line of the property conveyed to David and Sherri Neighbor by a deed recorded in Linn County Oregon Deed Records 2016-5137, said line also being the Albany City limit line; thence south 59.55 feet along the property line of

said Neighbor parcel, said line also being the City limit line, to the southeast corner of said Neighbor parcel; thence North $71^{\circ} 16' 30''$ West 198.73 feet along said Neighbor parcel south property line and Albany City limit line, to the southwest corner of said Neighbor parcel; thence north 354.06 feet along the east property line of the City of Albany parcel conveyed with the deed recorded in Linn County Oregon Deed records MF 1225-648, said line also being the Albany City limit line, to the northernmost corner of said City of Albany parcel; thence South $73^{\circ} 13' 34''$ West 637.28 feet along the property line of Parcel 2 Linn County, Oregon Partition Plat 1999-46, said line also being the Albany City limit line, to an angle point; thence south 576.25 feet along the east property line of said Parcel 2, said line also being the Albany City limit line, to the southwest corner of the property conveyed to the City by a deed recorded in Linn County Oregon deed records MF 738-003, said point also being the northwest corner of the property conveyed to Hart Bros Holdings LLC by a deed recorded in Linn County, Oregon deed records 2018-12665; thence east 610.02 feet along the north line of said Hart Bros Holdings LLC property to the northernmost northeast corner of said Hart Bros Holding LLC property; thence south 135 feet along the northernmost east property line of said Hart Bros Holdings LLC property to an angle point in said Hart Bros Holdings LLC property; thence east 505 feet along the north property line of said Hart Bros Holdings LLC property to the west right-of-way line of Goldfish Farm Road; thence north 30 feet along the west right-of-way line to the south line of the property conveyed to Thomas and Mary Fields in Linn County Oregon deed records MF 395-131; thence west 475 feet along the south line of said Fields property to the southwest corner of said Fields property; thence north 150 feet along the west property line of said Fields property to the northwest corner of said fields property; thence east 475 feet along the north line of said Fields property to the west right-of-way line of Goldfish Farm Road; thence north 230 feet, more or less, along the west right of way line of Goldfish Farm Road, to the point of beginning.

As shown on attached Exhibit 3-B, attached hereto and made a part hereof this legal description.

Exhibit 4-A Legal Description for Goldfish Farm Road right-of-way and 937 Goldfish Farm Road Annexation

Annexing an area of Goldfish Farm Road right-of-way and 937 Goldfish Farm Road SE, more particularly described below.

Beginning at the southeast corner of the property conveyed to Everett and Shirley Ann Wright by a deed recorded in Linn County Oregon deed records MF975-646; thence North $10^{\circ}51'$ West 196.5 feet along the east property line of said Wright property to the northeast corner of said Wright property; thence west 109.1 feet along the north line of said Wright property to the east right-of-way line of Goldfish Farm Road; thence west 40 feet to the Albany City limit line, said line lying 15 feet east of the west right-of-way line of Goldfish Farm Road; thence south 514 feet along the Albany City limit line, said line lying 40 feet west of the east right-of-way line of Goldfish Farm Road, to a point 10 feet east of the southeast corner of that property conveyed to Blue Ox RV Park of Albany LLC by a deed recorded in Linn County, Oregon deed records 2013-20460, said point also lying on the east-west Albany City limit line; thence east 40 feet along the Albany City limit line to the east right-of-way line of Goldfish Farm Road; thence north 317 feet along the east right of way line of Goldfish Farm Road to the south line of the aforementioned Wright property; thence east 146 feet along the south line of said Wright property to the point of beginning.

As shown on attached Exhibit 4-B, attached hereto and made a part hereof this legal description.

Exhibit 5-A Legal Description for Highway 20 & 3525 and 3605 Circle Annexation

Annexing an area of Highway 20 right-of-way and Lots 6 and 10 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3525 and 3605 Circle Drive SE, more particularly described below.

Beginning at the southeast corner of Lot 1, Block 2 of Commercial Way Subdivision, said point being on the north right-of-way line of Highway 20, said line also being the Albany City limit line; thence west 325.05 feet along the south line of Commercial Way Subdivision to the southwest corner of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the Albany City limit line; thence north 17.8 feet north along the west line of Lot 1, Block 1 of Commercial Way Subdivision, said line also being the City limit line, to the north right-of-way line of Highway 20; thence North $79^{\circ} 44'$ West 251.50 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, thence North $78^{\circ} 47'$ West 171.47 feet along the north right-of-way of Highway 20 to the east right-of-way line of Price Road, said line also being the Albany City limit line; thence North 60° West 57 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the west right-of-way line of Price Road; thence west 244 feet along the north right-of-way line of Highway 20, said line also being the Albany City limit line, to the westernmost south property corner of that property described in Linn County, Oregon, Deed Records MF 1346-0954; thence South 59° West 393 feet along the Albany City limit line to the northwest corner of Lot 5 of the Supplemental Plat, East Albany Walnut Tracts; thence east 140 feet along the north property line of said lot 5 to the northwest corner of Lot 6 of the Supplemental Plat, East Albany Walnut Tracts; thence southeast 131.68 feet along the west property line of said Lot 6 to the Circle Drive right-of-way, said point also being the southwest corner of said Lot 6; thence easterly 67.94 feet along a 120 foot radius curve line to the right, said line being the south property line of said Lot 6 and the north right-of-way line of Circle Drive, to the southeast corner of said Lot 6; thence north 105.09 feet along the east property line of said Lot 6 to the northeast corner of said Lot 6, said point lying on the south right-of-way line of Highway 20; thence east 300.0 feet along the south right of way line of Highway 20 to the northwest corner of Lot 10 of the Supplemental Plat, East Albany Walnut Tracts; thence south 105.0 feet along the west line of Lot 10 to the southwest corner of Lot 10, said point being on the north right-of-way line of Circle Drive; thence east 100.0 feet along the south property line of Lot 10 to the southeast corner of Lot 10; thence north 105.0 feet along the east line of Lot 10 to the northeast corner of Lot 10, said point lying on the south right-of-way line of Highway 20; thence east 254.94 feet along the south right-of-way line of Highway 20 to a point 54.99 feet east of the northwest

property corner of Lot 12 of the Supplemental Plat, East Albany Walnut Tracts; thence southeasterly 265 feet, more or less, along the south right-of-way line of Highway 20 to the Albany City limits line; thence continuing southeasterly 276 feet along the south right-of-way line of Highway 20, said line also being the Albany City limit line, to a point 107.37 feet west of the Timber Street right-of-way; thence northerly 170 feet along the Albany City limit line to the point of beginning. As shown on attached Exhibit 5-B, attached hereto and made a part hereof this legal description.

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

Annexing an area of Spicer Road and Lot 23 of the Supplemental Plat, East Albany Walnut Tracts, also known as 3545 Spicer Road SE, more particularly described below.

Beginning at the northeast corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence southwest along the east line of said Lot 23, 131.5 feet to the southeast corner of said Lot 23, said point also being on the north right-of-way line of Spicer Road SE; thence continuing southwest along a projection of the east property line of Lot 23, 60 feet to the south right-of-way line of Spicer Road SE; thence west 445 feet, more or less, along the south right-of-way line of Spicer Road SE to the north-south Albany City Limit line; thence north 66 feet, more or less, along the Albany City limit line to the southwest corner of Lot 3 of the Supplemental Plat, East Albany Walnut Tracts, said point also lying on the north right-of-way line of Spicer Road SE; thence southeast 385 feet, more or less, along the north right of way line of Spicer Road SE, to the southwest corner of Lot 23 of the Supplemental Plat , East Albany Walnut Tracts; thence northeast 120.4 feet, along the west property line of said Lot 23 to the northwest corner of said Lot 23; thence east 90.6 feet, along the north property line of said Lot 23, to the point of beginning.

As shown on attached Exhibit 6-B, attached hereto and made a part hereof this legal description.

Exhibit 7-A Legal Description for 3815 Spicer Drive, Spicer Drive right-of-way, and two City of Albany parcels Annexation

Annexing 3815 Spicer Drive SE, Spicer Drive right-of-way, and 2 City of Albany properties, more particularly described below.

Beginning at the northeast corner of Parcel 1 of Linn County Oregon Partition Plat 2009-02, said point also being the northeast corner of that property conveyed to Richard Deer by a deed recorded in Linn County Oregon deed records 2013-12523; thence South 83°58'25" West 150 feet along the north line of said Parcel 1, to the east right-of-way line of Spicer Drive SE; thence continuing South 83°58'25" West 60 feet, to the west right of way line of Spicer Drive SE; thence south 217 feet along the west right-of-way line of Spicer Drive SE, said line also being the Albany City limit line, to the north right-of-way line of 18th Avenue SE; thence east 133 feet along the Albany City limit line to a point on north right-of-way line of Spicer Drive, said point also lying on the south property line of Tract A of Partition Plat 2009-02; thence southeast 225 feet along the north line of Spicer Drive, said line also being the Albany City limit line, to the east property line of the property conveyed to the City of Albany by a deed recorded in Linn County Oregon deed records 2007-28015; thence north 242.16 feet along the east line of said City of Albany property to the north line of said City of Albany property; thence northwest 119.65 feet along said City of Albany property to the east property line of Tract A of Partition Plat 2009-02; thence north 77.13 feet along the east line of Partition Plat 2009-02 to the point of beginning.

As shown on attached Exhibit 7-B, attached hereto and made a part hereof this legal description.

Exhibit 8-A Legal Description for Interstate 5 Annexation

Annexing the 300 foot wide area of the Interstate 5 right-of-way from approximately 1,300 feet south of Highway 20, south approximately 7,543 feet to the south line of the Albany Santiam Canal, more particularly described below.

Beginning at the northwest property corner of Parcel A of Linn County, Oregon, Partition Plat No. 1991-17, said point laying on the east right-of-way line of Interstate 5, said point also lying on the north and east lines of the City of Albany City limits; thence west 300 feet along the Albany City limits line to the west right of way line of Interstate 5, said right-of-way line also being the Albany City limit line; thence south 7,543 feet along the west right of way line of Interstate 5, said line also being the city of Albany City limit line, to the south line of the Albany Santiam Canal; thence east 300 feet along the south line of the Albany Santiam Canal, to the east right-of-way line of Interstate 5; thence north 3,225 feet along the east right of way line of Interstate 5 to the South line of the Edward H. White DLC No. 48 in Township 11 South, Range 3 West, Section 16 of the Willamette Meridian in Linn County, Oregon; thence continuing north 4,318 feet along the east right-of-way line of Interstate 5, said line also being the City limit line, to the point of beginning. As shown on attached Exhibit 8-B, attached hereto and made a part hereof this legal description.

Exhibit 9-A Legal Description for 2958 53rd Avenue Annexation

Annexing an area of 53rd Avenue right-of-way, 2958 53rd Avenue SW, and a remainder piece of a large City of Albany parcel that was previously annexed, more particularly described below.

Beginning at the southwest corner of Lot 5 of Rancho Rio Ralpho subdivision, said point also being the southwest corner of the property conveyed to Linn Benton Community College (LBCC) by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence north 844.40 feet along the west line of said LBCC property, said line also being the Albany Urban Growth Boundary line, to the northwest corner of said LBCC property; thence continuing north 108.28 feet along the Albany Urban Growth Boundary line to the south line of the property previously annexed by the City of Albany by Ordinance 4232 as described in Volume 223, Page 150 of the Linn County Records, Linn County Oregon; thence South 87° 29' 23" East 541 feet along the south line of the property previously annexed by the City of Albany by Ordinance 4232, to the west property line of the property conveyed to Darrell and Bobbi Jo Johnson by a deed recorded in Linn County Oregon deed records 2018-3230; thence south 63 feet along the west property line of said Johnson property, said line also being the Albany City limit line, to the north right-of-way line of 53rd Avenue; thence east 449.60 feet along the north right-of-way line of 53rd Avenue, said line also being the Albany City limit line, to the southeast corner of said Johnson property; thence south 60 feet to the south right of way line of 53rd Avenue; thence west 450 feet, more or less, along the south right-of-way line of 53rd Avenue to the northernmost southeast corner of the property conveyed to LBCC by a deed recorded in Linn County Oregon deed records MF 1215-0887; thence west along the property line of said LBCC property 155.22 feet, to an angle point; thence south 514 feet along the east line of said LBCC property to an angle point; thence west 91.62 feet to an angle point; thence south 300 feet to the south line of said LBCC property; thence west 292.5 feet to the point of beginning.

As shown on attached Exhibit 9-B, attached hereto and made a part hereof this legal description.

Exhibit 1-B Map of Century Drive Annexation

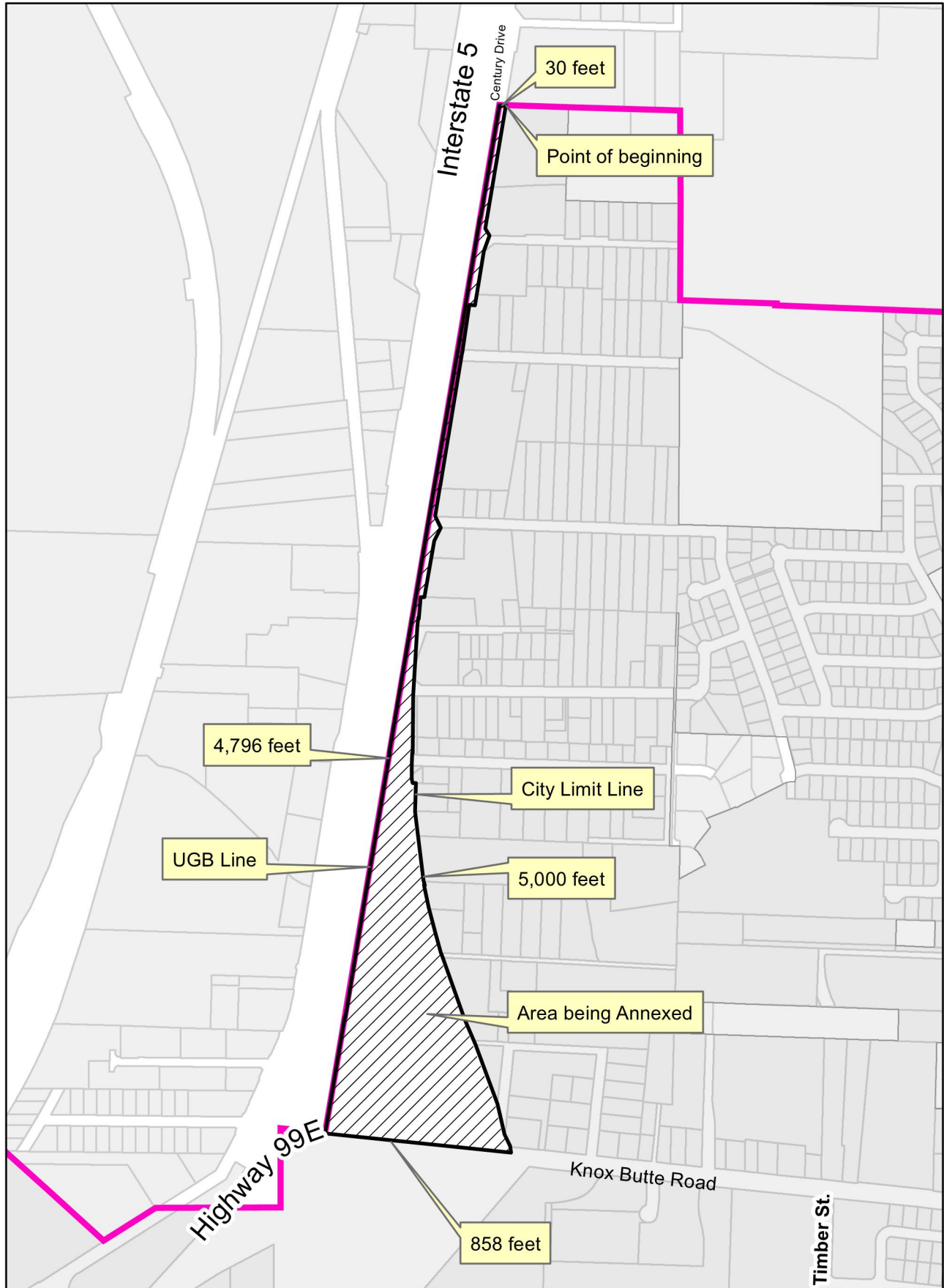


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation



Exhibit 3-B Map of 488 Goldfish Farm Road area Annexation

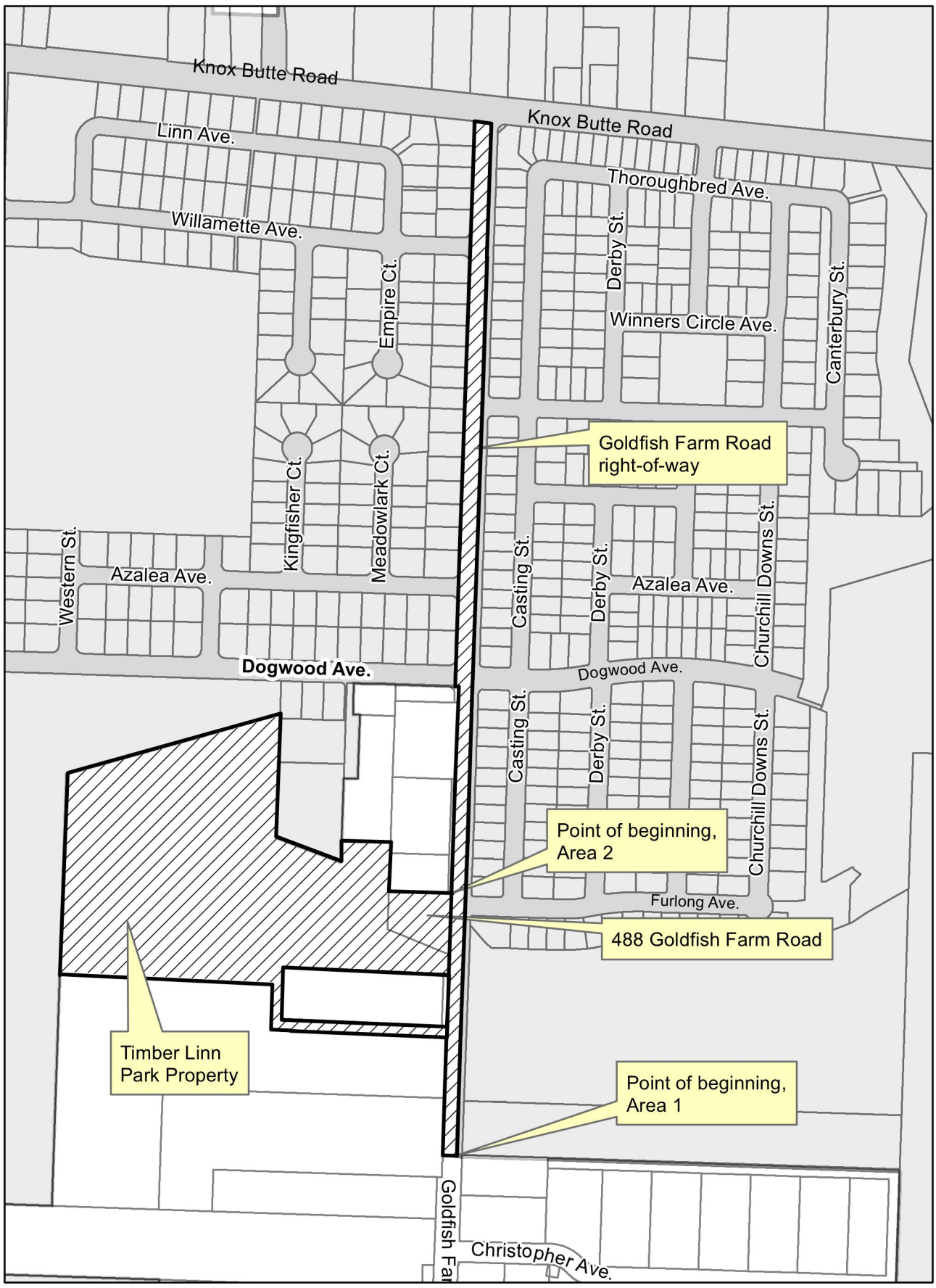


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



Exhibit 5-B Map of Highway 20 & 3525 & 3605 Circle Annexation

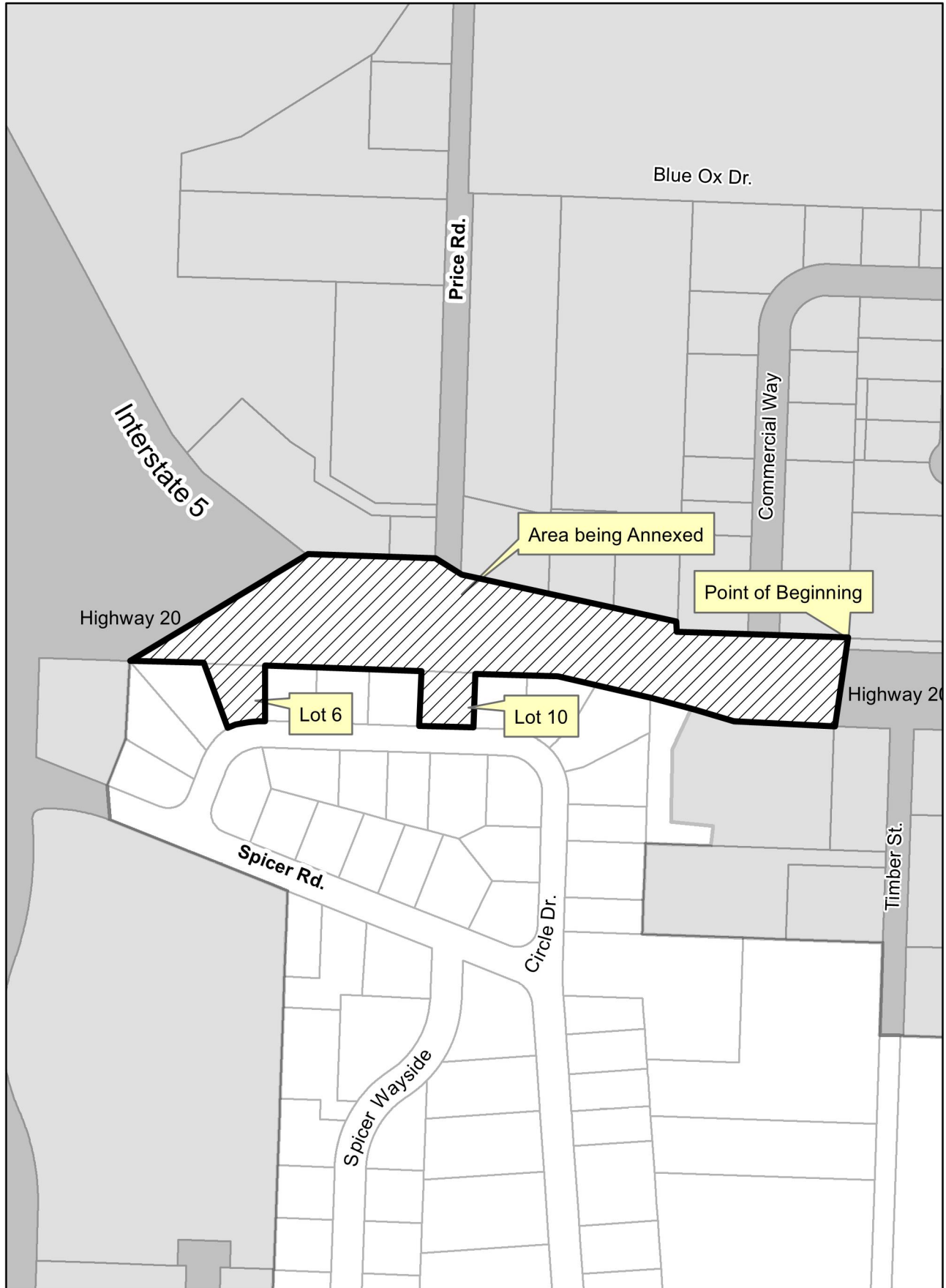


Exhibit 6-B Map of 3545 Spicer Road SE Annexation



Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

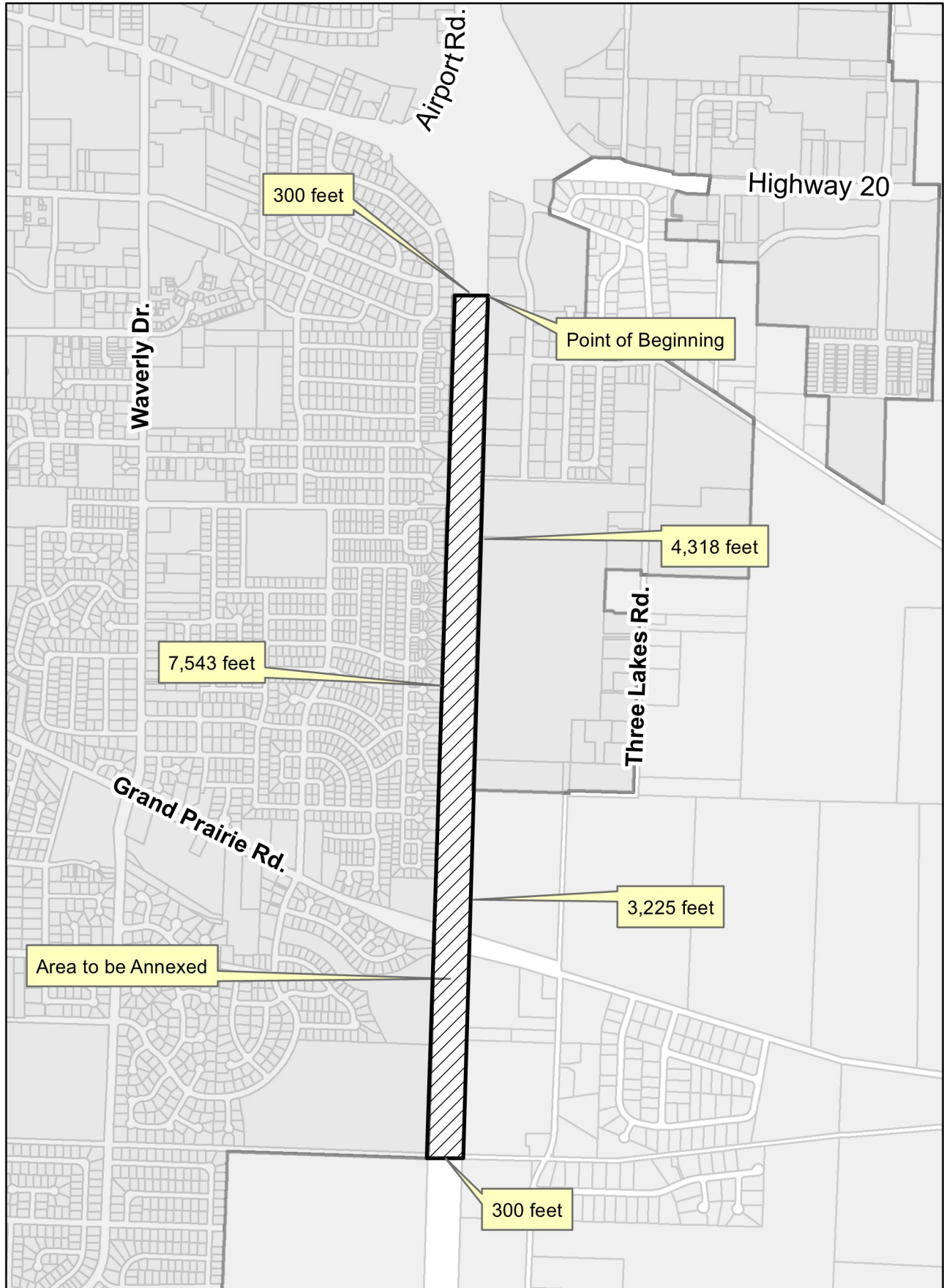
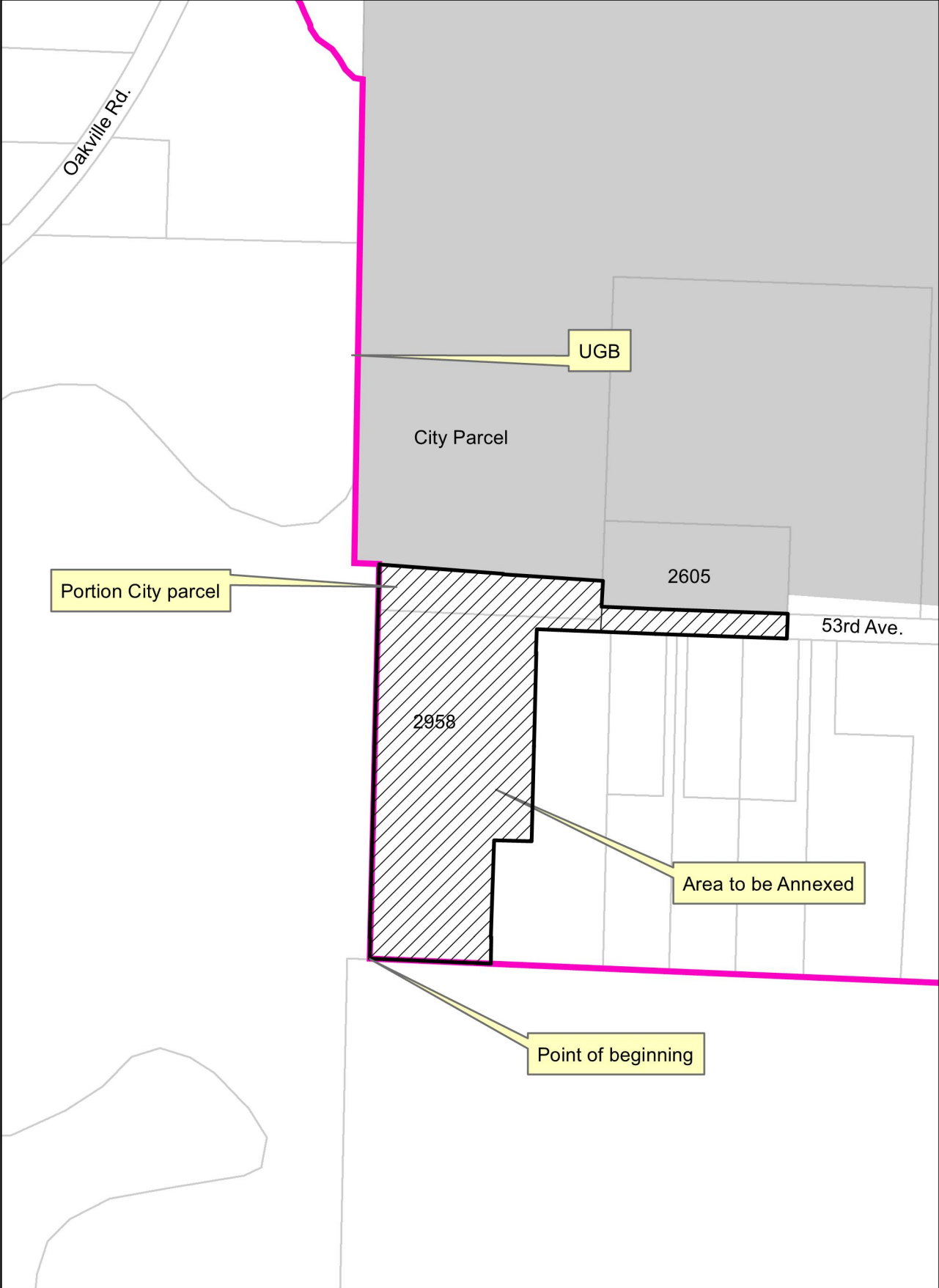
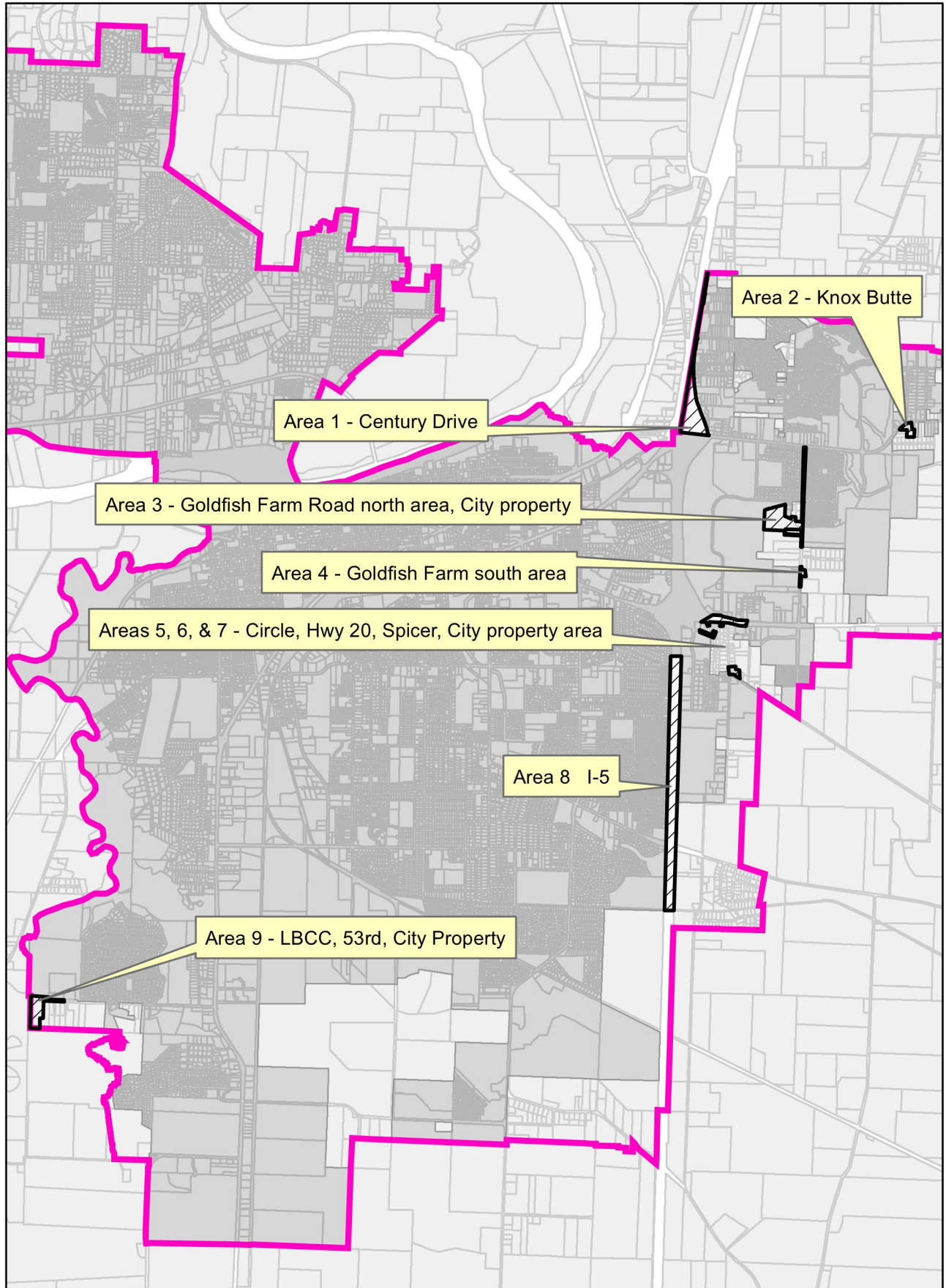


Exhibit 9-B Map of 2958 53rd Avenue Annexation



Attachment C - Land being Annexed, 9 areas



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2013-16083**
ORD-ANN
Cnt=1 Stn=1 S. WILSON **09/23/2013 03:27:04 PM**
\$10.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$65.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Sentinel Investments, Inc., (Brent J. Chandler, Registered Agent)

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 12 day of September 2013 by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City," and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Sentinel Investments, Inc., (Brent J. Chandler, Registered Agent)
628 SW Glacier Ave, Ste C
Redmond, OR 97756

Assessor's Map No.: 11S-03W-04DD
Tax Lot No.: 1100
Property Location: 488 Goldfish Farm Road SE

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No.: Linn County Microfilm Deed Records 2013-15067

WHEREAS, said property owner desires to connect the property to the City of Albany water system; and

WHEREAS, by this Irrevocable Request to Annex the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled Exhibit A; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

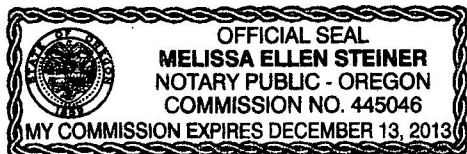
The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

This agreement is binding upon the undersigned Brent J. Chandler (dba Sentinel Investments Inc.), his heirs, successors, and assigns. Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: [Signature]
Brent J. Chandler

STATE OF Oregon)
County of Linn) ss.

Personally appeared the above-named Brent J Chandler and acknowledged the foregoing instrument to be his voluntary act and deed. Before me this 12 day of September 2013.



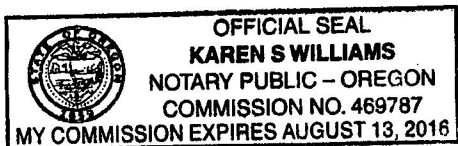
[Signature]
Notary Public for Oregon
My Commission Expires: 12-13-13

CITY OF ALBANY, OREGON

ACCEPTED BY: [Signature]
Mark Shepard, Public Works Director

STATE OF OREGON)
County of Linn) ss.

Personally appeared Mark Shepard, Public Works Director, and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 18th day of September 2013.



[Signature]
Notary Public for Oregon
My Commission Expires: 8-13-2016

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2019-10653**
ORD-ANN
Cnt=1 Stn=44 COUNTER **07/01/2019 11:12:15 AM**
\$15 00 \$11 00 \$60 00 \$19 00 \$10 00 **\$115.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk
P O Box 490
Albany, OR 97321

All Tax Statements Should Be Sent To:

Everett and Shirley Ann Wright
937 Goldfish Farm Rd SE
Albany, OR 97322

- 1. Name/Title of Transaction - by ORS 205.234 (a)

Irrevocable Request to Annex Agreement

- 2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Everett and Shirley Ann Wright

- 3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

- 4. True and Actual Consideration (if there is one), ORS 93.030

\$0

- 5. If this instrument is being re-recorded, complete the following statement (ORS 205.244):

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

Attachment D.4

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 8th day of August, 2004, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City," and the following listed owners or agent of record, hereinafter referred to collectively as "Owners," of the property described below:

Everett and Shirley Ann Wright
937 Goldfish Farm Road SE
Albany, OR 97322

Assessor's Map No.: 11S 03W 10
Tax Lot No.: 00401
Property Location: 937 Goldfish Farm Road SE

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No.: Linn County Microfilm Deed Records MF 975-646; and

WHEREAS, said property owners desire to connect the property to the City of Albany sanitary sewer system; and

WHEREAS, by this Irrevocable Request to Annex, Owners consent to the future annexation of the property described above and as shown on the attached map labeled Exhibit A to the City of Albany.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

This agreement is binding upon the undersigned Everett and Shirley Ann Wright, their heirs, successors, and assigns.

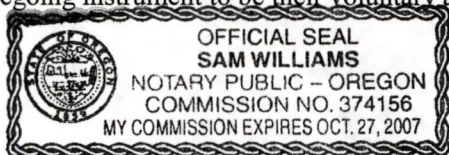
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: [Signature]
Everett Wright

Signed: [Signature]
Shirley Ann Wright

STATE OF Oregon)
County of Linn) ss.
City of Albany)

Personally appeared the above-named Everett Wright and Shirley Wright and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 24 day of August 2004.



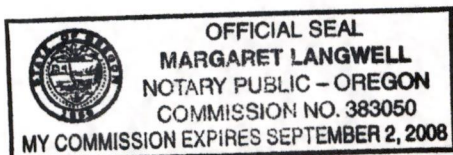
[Signature]
Notary Public for Oregon
My Commission Expires: 10/27/2007

CITY OF ALBANY, OREGON

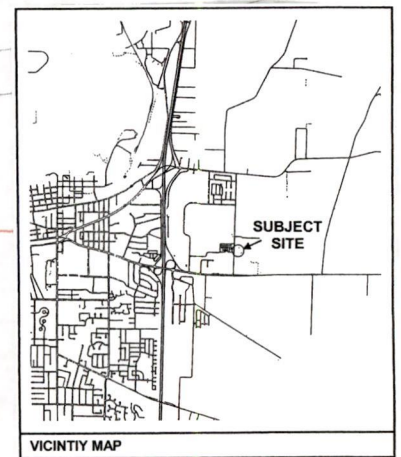
ACCEPTED BY: [Signature]
Steve Bryant, City Manager

STATE OF OREGON)
County of Linn) ss.
City of Albany)

Personally appeared Steve Bryant, City Manager, and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 27 day of September 2004.



[Signature]
Notary Public for Oregon
My Commission Expires: September 2, 2008



937 GOLDFISH FARM ROAD SE

EXHIBIT A



Engineering

jeffw nil

Jeff Woodward

Sep 8, 2004

0 50 Feet



The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



**REQUEST TO CONNECT
TO THE CITY OF ALBANY SANITARY SEWER SYSTEM
AND
WAIVER OF OBJECTIONS**

This request to connect certain property to the City of Albany sanitary sewer system is made by EVERETT WRIGHT and SHIRLEY ANN WRIGHT, hereinafter referred to as "Owners", under Albany Municipal Code (AMC) Section 10.01.050, Subsection (5) Health Hazard Exception. The property is within the City of Albany Urban Growth Boundary, and is outside but contiguous to the City of Albany city limits. The property consists of one parcel, more particularly described as follows:

Assessor's Map No.: 11S 03W 10
Tax Lot No.: 00401
Property Location: 937 Goldfish Farm Road SE

Owners have been notified by the Linn County Department of Health Services that a health hazard exists on the subject parcel due to a failing sewage disposal system and the only practical way to mitigate the existing hazard to human health is connection to the sanitary sewer system.

Owners have executed an Irrevocable Application for Annexation to the City of Albany.

Owners will obtain a permit and make provisions to connect the subject parcel to the sanitary sewer system at no cost to the City of Albany **and hereby waive any objection thereto.**

Owners acknowledge that sanitary sewer System Development Charge (SDC) fees will be paid by Owners in connection with obtaining a permit to connect to the sanitary sewer system **and hereby waive any objection thereto.**

Owners acknowledge that a sanitary sewer rate differential may exist, or be subsequently created, whereby sewer users outside the City are charged a reasonable premium over and above that charged to city residents **and hereby waive any objection thereto.**

Signed: 
Everett Wright

Date: 8/24/04

Signed: 
Shirley Ann Wright

Date: 8/24/04

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2009-08397**
ORD-ANN
Cnt=1 Stn=1 COUNTER **05/07/2009 03:40:19 PM**
\$15.00 \$11.00 \$10.00 **\$36.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

1. Name/Title of Transaction - by ORS 205.234 (a)

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Linn-Benton Community College

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0.00

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

Attachment D.8

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 22 day of APRIL 2009, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Linn-Benton Community College
6500 Pacific Boulevard SW
Albany, OR 97321

Assessor's Map No.: 11S-04W-24
Tax Lot No.: 625
Property Location: 2958 53rd Avenue SW

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows:
Deed Reference No.: Linn County Microfilm Deed Records MF1215-887; and

WHEREAS, said property owner desires to connect the property to the City of Albany water system; and

WHEREAS, by this Irrevocable Request to Annex the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled **Exhibit A**.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany; and

This agreement is binding upon Linn-Benton Community College, and its heirs, successors, and assigns; and

Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:

None.

Signed: Jim Huckestein

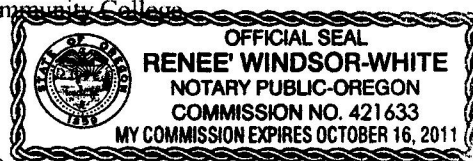
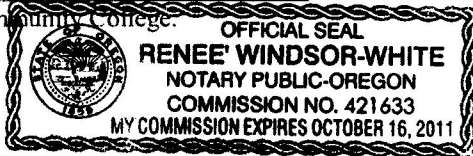
Signed: Kevin Nicholson

STATE OF OR
County of Linn

STATE OF OR
County of Linn

Signed or attested before me on April 22, 2009
by Jim Huckestein on behalf of Linn-Benton
Community College.

Signed or attested before me on April 22, 2009
by Kevin Nicholson on behalf of Linn-Benton
Community College.



Renee Windsor-White
Notary Public - State of Oregon

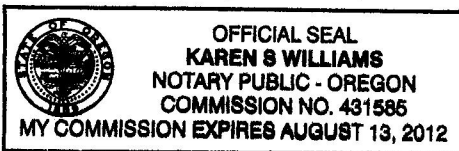
Renee Windsor-White
Notary Public - State of Oregon

CITY OF ALBANY, OREGON

ACCEPTED BY: Mark Shepard
Mark Shepard, City Engineer

STATE OF OREGON
County of Linn

This instrument was acknowledged before me on April 27, 2009 by Mark Shepard as Assistant Public Works Director/City Engineer of City of Albany.



Karen S. Williams
Notary Public - State of Oregon

Exhibit A - Irrevocable Request to Annex



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY OREGON **2019-14459**
ORD-ANN
Cnt=1 Str=44 COUNTER **08/27/2019 10:32:41 AM**
\$15 00 \$11 00 \$80 00 \$19 00 \$10 00 **\$115.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Calvin D and Mavis D Cheek Trust, Renee Oster Trustee

3525 Circle Dr SE

Albany, OR 97322

1. Name/Title of Transaction - by ORS 205.234 (a)

Irrevocable Request to Annex Agreement

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Calvin D and Mavis D Cheek Trust

Renee Oster, Trustee

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0

5. If this instrument is being re-recorded, complete the following statement (ORS 205.244):

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 26 day of August 2019, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Calvin D and Mavis D Cheek Trust
3525 Circle Drive SE
Albany, OR 97322

Assessor's Map No.: 11S-03W-09AC
Tax Lot No.: 1000
Property Location: 3525 Circle Drive SE

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows:
Deed Reference No.: Linn County Microfilm Deed Records MF 1374-0060; and

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex, the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany; and

This agreement is binding upon the undersigned Renee Oster, Trustee for the Calvin D and Mavis D Cheek Trust, their heirs, successors, and assigns; and

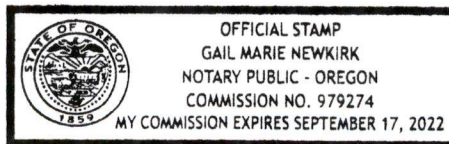
Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:
None.

Signed: Renee Oster Trustee
Renee Oster, Trustee

STATE OF Oregon
County of Linn

Signed or attested before me on August 26th, 2019 by Renee Oster, Trustee for the Calvin D and Mavis D Cheek Trust, on behalf of the Trust.

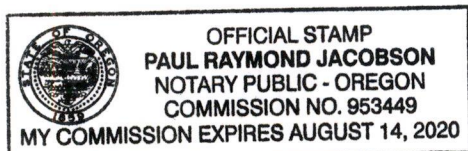
Gail M Newkirk
Notary Public - State of Oregon



CITY OF ALBANY, OREGON
ACCEPTED BY: Staci Belcastro
Staci Belcastro, City Engineer

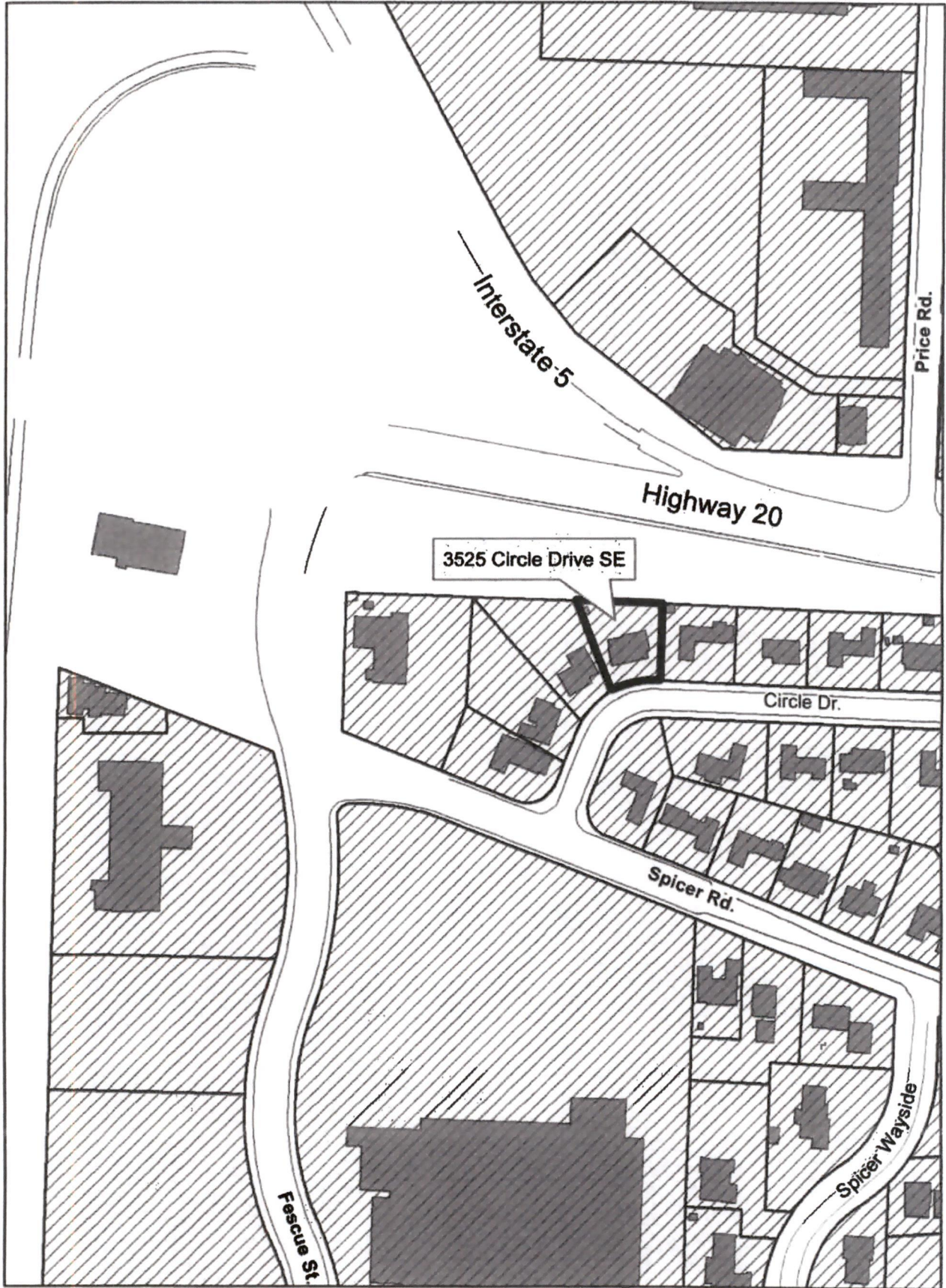
STATE OF OREGON
County of Linn

This instrument was acknowledged before me on August 26, 2019 by Staci Belcastro, City Engineer of City of Albany.



Paul R Jacobson
Notary Public - State of Oregon

Exhibit A - Irrevocable Request to Annex Map



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS 205.234

LINN COUNTY OREGON **2018-06271**
CCR-REDC
Cnt=1 Str=44 COUNTER **04/11/2018 02 14 47 PM**
\$20 00 \$11.00 \$20 00 \$19 00 **\$70 00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After Recording Return To

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To

Andrew Jones and Danae Jones

1 Name/Title of Transaction - by ORS 205.234 (a)

Irrevocable Request to Annex Agreement

2. Grantor/Direct Party - required by ORS 205 125(1)(b) and ORS 205 160

Andrew Jones and Danae Jones

3 Grantee/Indirect Party - required by ORS 205 125(1)(a) and ORS 205 160

City of Albany

4 True and Actual Consideration (if there is one), ORS 93 030

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 7th day of January 2018, by and between the **CITY OF ALBANY, OREGON**, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Andrew Jones and Danae Jones
3545 Spicer Road SE
Albany, OR 97322

Assessor's Map No. 11S-03W-09AC
Tax Lot No. 2700
Property Location. 3545 Spicer Road SE

WITNESSETH.

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows:
Deed Reference No. Linn County Microfilm Deed Records 2009-06555, and

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex, the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled **Exhibit A**.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany and

This agreement is binding upon the undersigned **Andrew and Danae Jones**, their heirs, successors, and assigns;
and

Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:

None.

Signed: [Signature]
Andrew Jones

Signed: _____
Danae Jones

STATE OF Oregon
County of Melton

STATE OF _____
County of _____

Signed or attested before me on February 7, 2018
by Andrew Jones.

Signed or attested before me on _____, 2018
by Danae Jones.



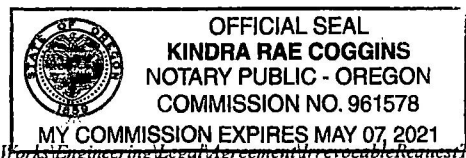
[Signature]
Notary Public - State of Oregon

Notary Public - State of Oregon

CITY OF ALBANY, OREGON
ACCEPTED BY [Signature]
Staci Belcastro, City Engineer

STATE OF OREGON
County of Linn

This instrument was acknowledged before me on April 9, 2018 by Staci Belcastro, City Engineer of City of Albany



[Signature]
Notary Public - State of Oregon

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 8th day of January 2018, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Andrew Jones and Danae Jones
3545 Spicer Road SE
Albany, OR 97322

Assessor's Map No. 11S-03W-09AC
Tax Lot No. 2700
Property Location: 3545 Spicer Road SE

WITNESSETH.

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No. Linn County Microfilm Deed Records 2009-06555, and

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex, the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled Exhibit A.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany and

This agreement is binding upon the undersigned Andrew and Danae Jones, their heirs, successors, and assigns, and

Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:

None.

Signed: Andrew Jones

Signed: Danae Jones

STATE OF Oregon
County of Linn

STATE OF Oregon
County of Linn

Signed or attested before me on [redacted], 2018 by Andrew Jones.

Signed or attested before me on Feb 8th, 2018 by Danae Jones.

Notary Public - State of Oregon

Official Stamp: BRENDA CORTEZ MARTINEZ, NOTARY PUBLIC - OREGON, COMMISSION NO 959814, MY COMMISSION EXPIRES MARCH 01, 2021

CITY OF ALBANY, OREGON

ACCEPTED BY Staci Belcastro, City Engineer

STATE OF OREGON
County of Linn

This instrument was acknowledged before me on April 9, 2018 by Staci Belcastro, City Engineer of City of Albany

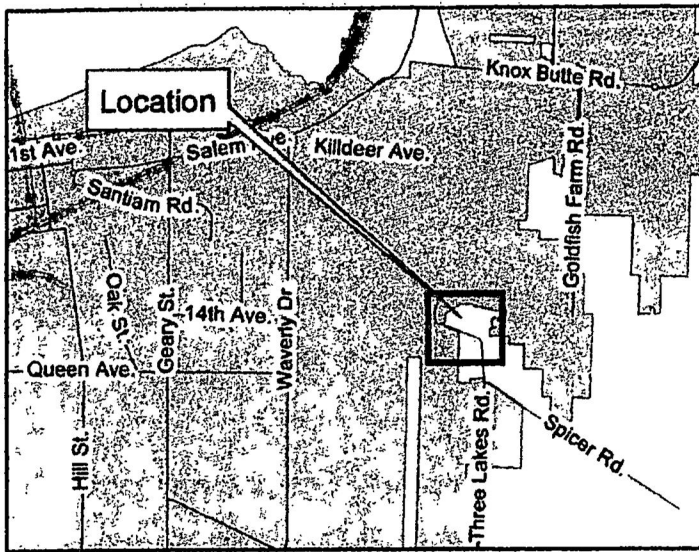
Official Seal: KINDRA RAE COGGINS, NOTARY PUBLIC - OREGON, COMMISSION NO. 961578, MY COMMISSION EXPIRES MAY 07, 2021

Signature: Kindra Rae Coggins, Notary Public - State of Oregon

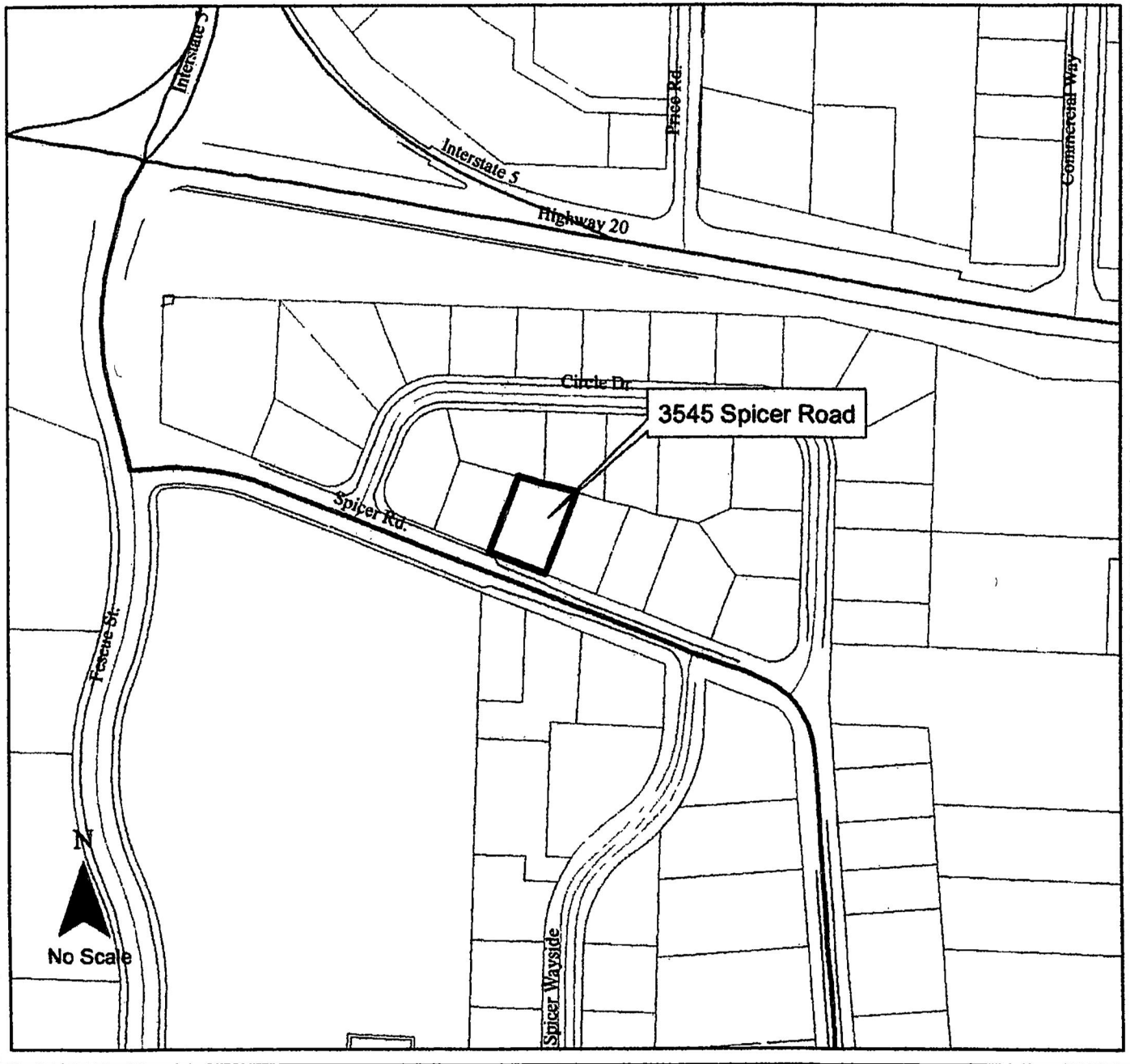
EXHIBIT A Attachment D.16

11S03W09AC- 02700

Irrevocable Request to Annex Map Andrew and Danae Jones Property



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON 2022-09312
ORD-ANN
Cnt=1 Stn=10130 COUNTER 05/23/2022 02:36:46 PM
\$15.00 \$11.00 \$60.00 \$19.00 \$10.00 \$115.00



00437801202200093120030033

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk
P O Box 490
Albany, OR 97321

All Tax Statements Should Be Sent To:

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

- 1. Name/Title of Transaction - by ORS 205.234 (a)

Irrevocable Request to Annex Agreement

- 2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Lucas Teeter

- 3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

- 4. True and Actual Consideration (if there is one), ORS 93.030

\$0

- 5. If this instrument is being re-recorded, complete the following statement (ORS 205.244):

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

Date: _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 19th day of MAY 2022, by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

Assessor's Map No.: 11S03W09AC
Tax Lot No.: 600
Property Location: 3605 Circle Drive

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows:
Deed Reference No.: 2020-13939; and

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex, the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled **Exhibit A**.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany; and

This agreement is binding upon the undersigned Lucas Teeter, their heirs, successors, and assigns; and

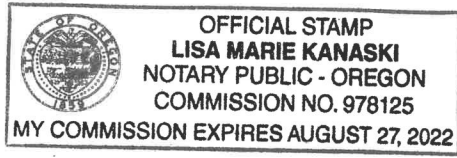
Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:
None.

Signed: [Signature]

STATE OF OR
County of Linn

Signed or attested before me on 19 May, 2022 by Lucas Teeter

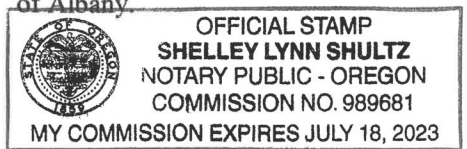
[Signature]
Notary Public - State of Oregon



CITY OF ALBANY, OREGON
ACCEPTED BY: [Signature]
Staci Belcastro, City Engineer

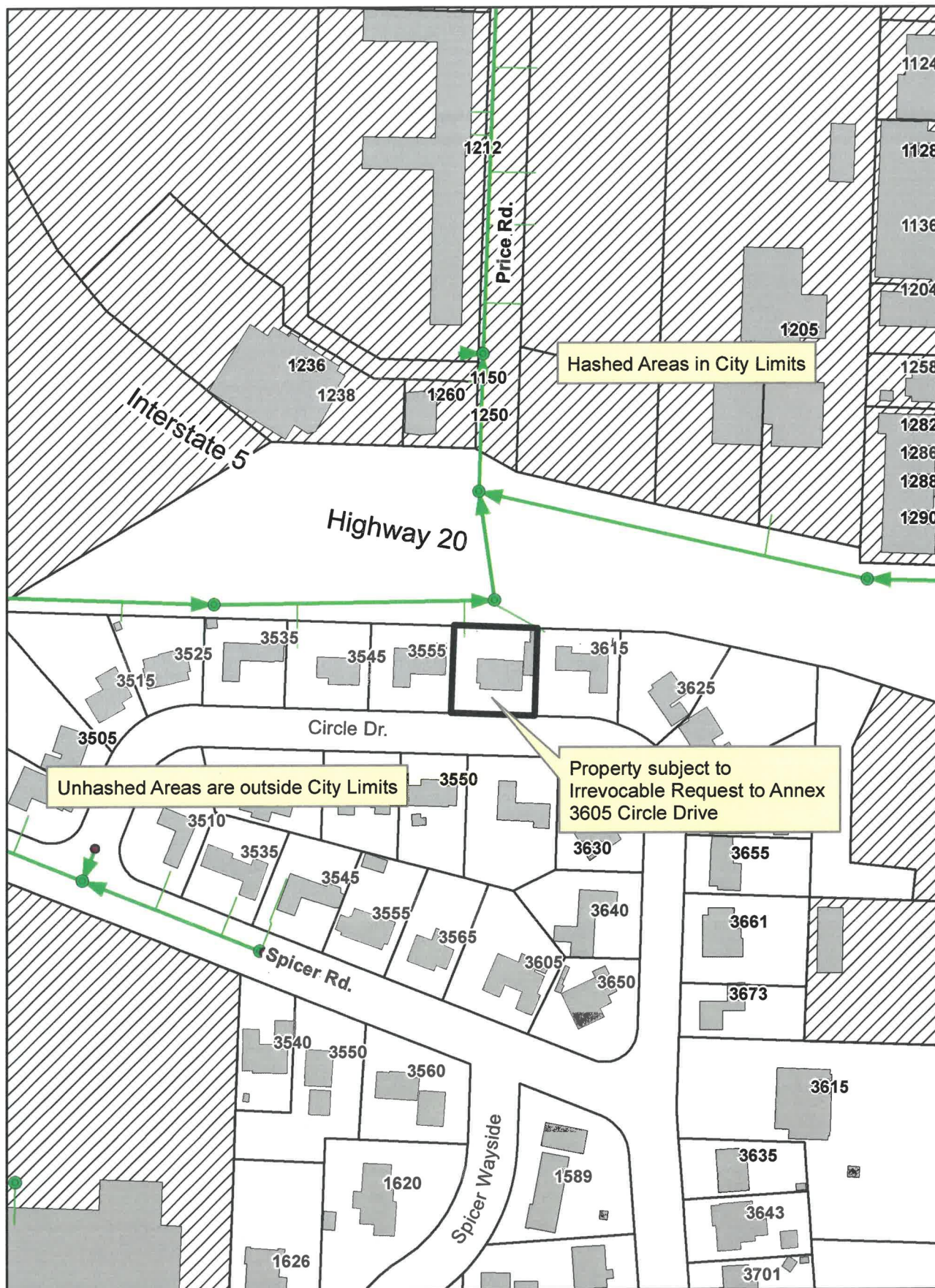
STATE OF OREGON
County of Linn

This instrument was acknowledged before me on May 23, 2022 by Staci Belcastro, City Engineer of City of Albany.



[Signature]
Notary Public - State of Oregon

Exhibit A - Map of Irrevocable Request to Annex



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON
ORD-ANN
Cnt=1 Stn=1 COUNTER 2008-19310
10/07/2008 03:27:20 PM
\$15.00 \$11.00 \$10.00 \$36.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - Exempt

1. Name/Title of Transaction - by ORS 205.234 (a)

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Jeremy Still and Melissa Still

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0.00

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

Attachment D.21

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 10th day of September 2008, by and between the **CITY OF ALBANY, OREGON**, hereinafter referred to as "City", and the following listed owner or agent of record, hereinafter referred to collectively as "Owner," of the property described below:

Jeremy Still and Melissa Still
3815 Spicer Drive SE
Albany, OR 97322

Assessor's Map No.: 11S-03W-09D
Tax Lot No.: 2300
Property Location: 3815 Spicer Drive SE

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No.: Linn County Microfilm Deed Records MF1412-148; and

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled **Exhibit A**.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany; and

This agreement is binding upon the undersigned **Jeremy and Melissa Still**, their heirs, successors, and assigns; and

Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:

None.

Signed: [Signature]
Jeremy Still

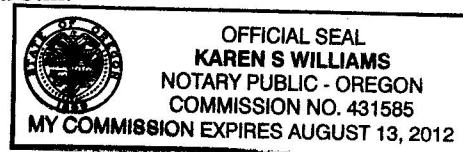
Signed: [Signature]
Melissa Still

STATE OF Oregon
County of Linn

STATE OF Oregon
County of Linn

Signed or attested before me on Sept. 16, 2008
by Jeremy Still.

Signed or attested before me on Sept. 16, 2008
by Melissa Still.



[Signature]
Notary Public - State of Oregon

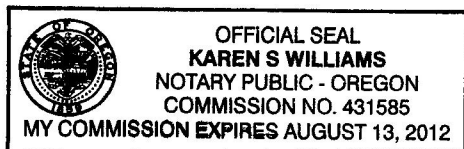
[Signature]
Notary Public - State of Oregon

CITY OF ALBANY, OREGON

ACCEPTED BY: [Signature]
Mark Shepard, City Engineer

STATE OF OREGON
County of Linn

This instrument was acknowledged before me on 9-17, 2008 by Mark Shepard as Assistant Public Works Director/City Engineer of City of Albany.



[Signature]
Notary Public - State of Oregon

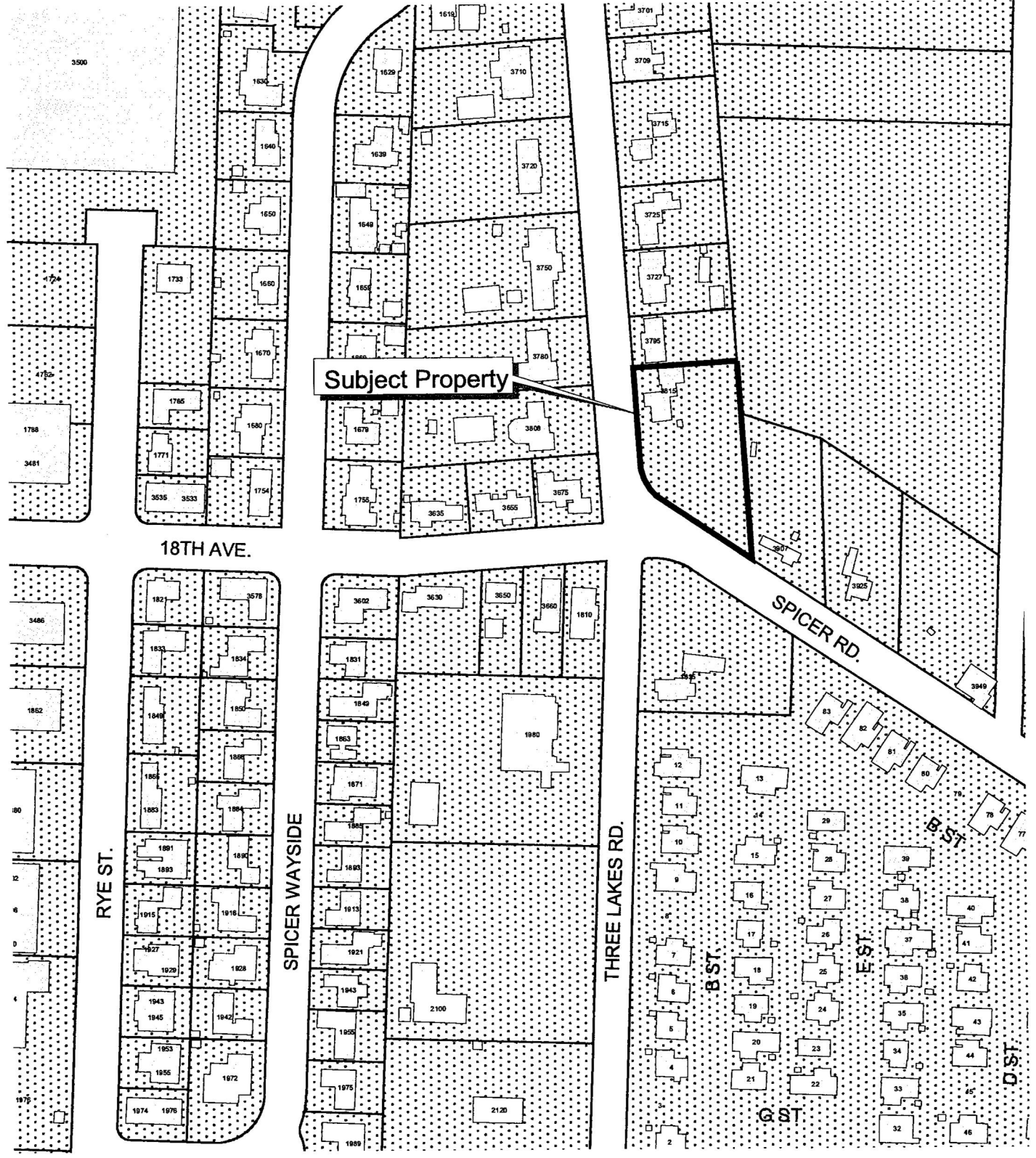


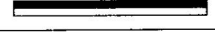
Exhibit A - Still Property, Irrevocable Request to Annex



gordons nil

Sep 16, 2008

0 200 Feet




The City of Albany's Infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.




LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY, OREGON **2012-12912**
 ORD-ANN
 Cnt=1 Stn=1 COUNTER **08/23/2012 03:53:24 PM**
 \$15 00 \$11 00 \$15 00 \$19 00 \$10 00 **\$70.00**



00185780201200129120030037

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

1 Name/Title of Transaction - by ORS 205.234 (a)

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Barbara Curths

3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

4. True and Actual Consideration (if there is one), ORS 93.030

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 30 day of June 2012 by and between the CITY OF ALBANY, OREGON, hereinafter referred to as "City," and the following listed owner or agent of record, hereinafter referred to as "Owner," of the property described below:

Barbara Curths
6282 Macleay Road SE
Salem, OR 97317

Assessor's Map No.. 11S-03W-03A
Tax Lot No · 7700
Property Location· 4580 Knox Butte Road

WITNESSETH.

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No.. Linn County Microfilm Deed Records 2011-8802

WHEREAS, said property owner desires to connect the property to the City of Albany sewer system; and

WHEREAS, by this Irrevocable Request to Annex the City desires to bind the undersigned to consent to the future annexation to the City of Albany of the property described above and shown on the attached map labeled Exhibit A; and

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

This agreement is binding upon the undersigned Barbara Curths, her heirs, successors, and assigns.

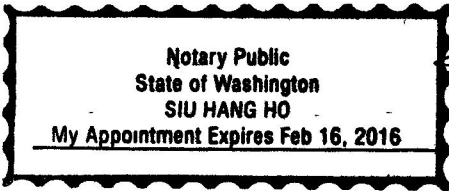
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement:

None

Signed: Barbara Curths
Barbara Curths

STATE OF Washington
County of King) ss
City of Bellair)

Personally appeared the above-named Barbara Curths and acknowledged the foregoing instrument to be her voluntary act and deed. Before me this 30 day of June 2012

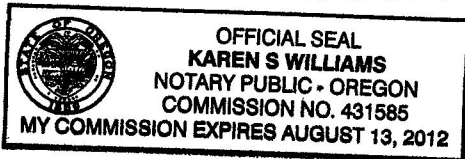


[Signature]
Notary Public for Washington
My Commission Expires: Feb 16, 2016

CITY OF ALBANY, OREGON
ACCEPTED BY: [Signature]
Mark Shepard, Public Works Director

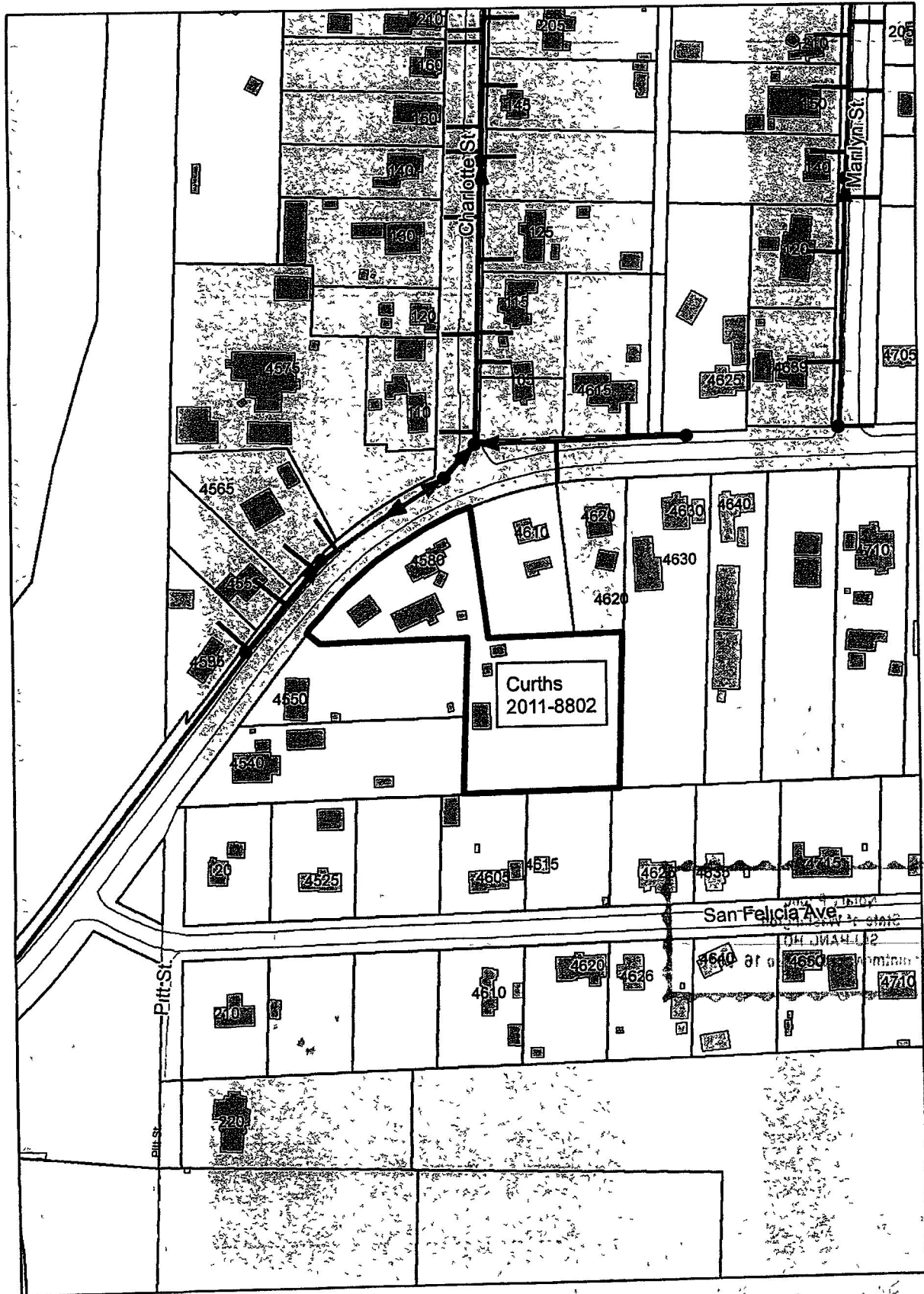
STATE OF OREGON)
County of Linn) ss
City of Albany)

Personally appeared Mark Shepard, Public Works Director, and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 5th day of July 2012



[Signature]
Notary Public for Oregon
My Commission Expires: 8-13-12

Exhibit A - Curths Irrevocable Request to Annex Map



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

LINN COUNTY OREGON **2019-10652**
ORD-ANN
Cnt=1 Str=44 COUNTER **07/01/2019 11:10:55 AM**
\$15 00 \$11 00 \$60 00 \$19 00 \$10 00 **\$115.00**



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Wesley L. and Lila M. Lokey

4610 Knox Butte Rd E

Albany, OR 97322

- 1. Name/Title of Transaction - by ORS 205.234 (a)

Irrevocable Request to Annex Agreement

- 2. Grantor/Direct Party - required by ORS 205.125(1)(b) and ORS 205.160

Wesley L. and Lila M. Lokey

- 3. Grantee/Indirect Party - required by ORS 205.125(1)(a) and ORS 205.160

City of Albany

- 4. True and Actual Consideration (if there is one), ORS 93.030

\$0

- 5. If this instrument is being re-recorded, complete the following statement (ORS 205.244):

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 2nd day of JULY, 2004, by and between the **CITY OF ALBANY, OREGON**, hereinafter referred to as "City," and the following listed owners or agent of record, hereinafter referred to collectively as "Owners," of the property described below:

Wesley L. and Lila M. Lokey
4610 Knox Butte Road E
Albany, OR 97322

Assessor's Map No.: 11S-03W-03A
Tax Lot No.: 7800
Property Location: 4610 Knox Butte Road E

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Deed Reference No.: Linn County Microfilm Deed Records MF1168-970; and

WHEREAS, said property owners desire to connect the property to the City of Albany sanitary sewer system; and

WHEREAS, by this Irrevocable Request to Annex, Owners consent to the future annexation of the property described above and as shown on the attached map labeled Exhibit A to the City of Albany.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, it is agreed as follows:

The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

This agreement is binding upon the undersigned Wesley L. and Lila M. Lokey, their heirs, successors, and assigns.

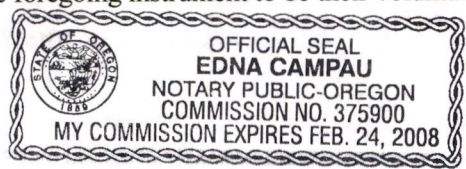
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: Wesley L. Lokey
Wesley L. Lokey

Signed: Lila M. Lokey
Lila M. Lokey

STATE OF Oregon)
County of Linn) ss.
City of Albany)

Personally appeared the above-named Wesley L. Lokey and Lila M. Lokey and acknowledged the foregoing instrument to be their voluntary act and deed. Before me this 2nd day of July 2004.

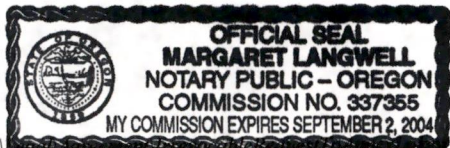


Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2008

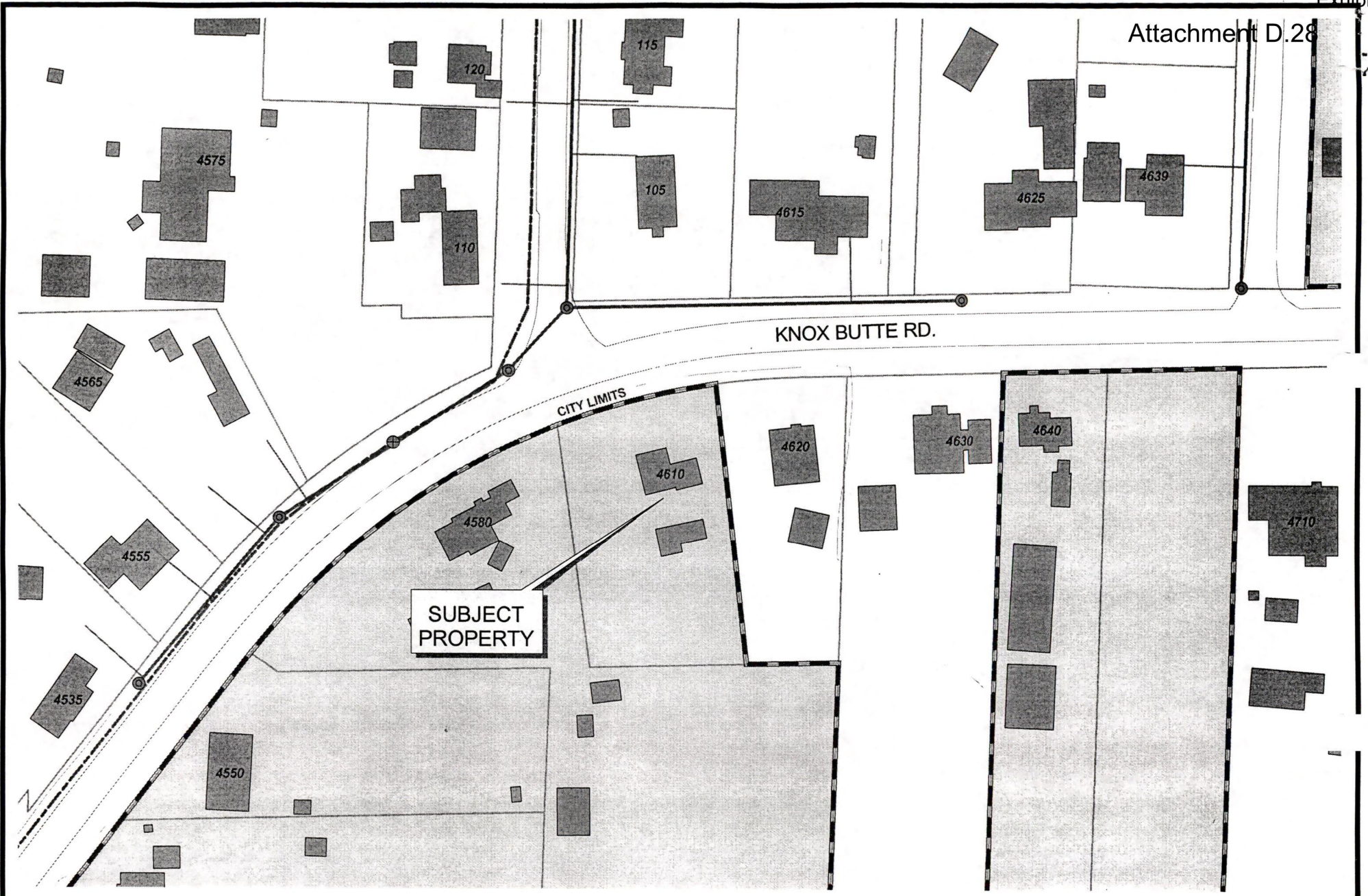
CITY OF ALBANY, OREGON
ACCEPTED BY: Steve Bryant
Steve Bryant, City Manager

STATE OF OREGON)
County of Linn) ss.
City of Albany)

Personally appeared Steve Bryant, City Manager, and acknowledged acceptance of the foregoing instrument on behalf of the City of Albany. Before me this 26 day of August 2004.



Margaret Langwell
Notary Public for Oregon
My Commission Expires: Sept. 2, 2004



4610 KNOX BUTTE RD SE

EXHIBIT A



ENGINEERING

danielleu nil

JEFF WOODWARD

Jun 18, 2004

100 0 100 Feet

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades, using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally the information proves to be incorrect, and thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently field verify the information contained within our records.



**REQUEST TO CONNECT
TO THE CITY OF ALBANY SANITARY SEWER SYSTEM
AND
WAIVER OF OBJECTIONS**

This request to connect certain property to the City of Albany sanitary sewer system is made by Wesley L. Lokey and Lila M. Lokey, hereinafter referred to as "Owners", under Albany Municipal Code (AMC) Section 10.01.050, Subsection (5) Health Hazard Exception. The property is within the City of Albany Urban Growth Boundary, and is outside but contiguous to the City of Albany city limits. The property consists of one parcel, more particularly described as follows:

Assessor's map No.: 11S-03W-03A
Tax Lot No.: 7800
Property Location: 4610 Knox Butte Road E

Owners have been notified by the Linn County Department of Health Services that a health hazard exists on the subject parcel due to a failing sewage disposal system and the only practical way to mitigate the existing hazard to human health is connection to the sanitary sewer system.

Owners have executed an Irrevocable Application for Annexation to the City of Albany.

Owners will obtain a permit and make provisions to connect the subject parcel to the sanitary sewer system at no cost to the City of Albany **and hereby waive any objection thereto.**

Owners acknowledge that sanitary sewer System Development Charge (SDC) fees will be paid by Owners in connection with obtaining a permit to connect to the sanitary sewer system **and hereby waive any objection thereto.**

Owners acknowledge that a sanitary sewer rate differential may exist, or be subsequently created, whereby sewer users outside the City are charged a reasonable premium over and above that charged to city residents **and hereby waive any objection thereto.**

Signed: Wesley L. Lokey
Wesley L. Lokey

Date: 7/2/04

Signed: Lila M. Lokey
Lila M. Lokey

Date: 7-2-04



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Cheryn & Harold Lareau
488 Goldfish Farm Road SE
Albany, OR 97322

Dear Cheryn & Harold Lareau:

Future Annexation of your property at 488 Goldfish Farm Road

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

In the beginning of December, the City will hold Planning Commission and City Council hearings to process the annexations. You will be notified and will have the opportunity to attend those hearings. If you have any questions about the annexation process, you may contact me at 541-917-7647.

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Everett Wright & Darrell & Debi Wright
937 Goldfish Farm Road SE
Albany, OR 97322

Dear Everett Wright & Darrell & Debi Wright:

Future Annexation of your property at 937 Goldfish Farm Road

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Linn Centon Community College
6500 Pacific Boulevard SW
Albany, OR 97321

Dear Linn Centon Community College:

Future Annexation of your property at 2958 53rd Avenue

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Jennifer Neskahi
3525 Circle Drive SE
Albany, OR 97322

Dear Jennifer Neskahi:

Future Annexation of your property at 3525 Circle Drive

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

Dear Lucas Teeter:

Future Annexation of your property at 3605 Circle Drive

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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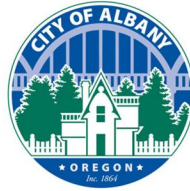
Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Alexandra & Matthew Golsan
3545 Spicer Road SE
Albany, OR 97322

Dear Alexandra & Matthew Golsan:

Future Annexation of your property at 3545 Spicer Drive

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

In the beginning of December, the City will hold Planning Commission and City Council hearings to process the annexations. You will be notified and will have the opportunity to attend those hearings. If you have any questions about the annexation process, you may contact me at 541-917-7647.

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Valley Homes 2022, LLC
3815 Spicer Drive
Albany, OR 97322

Dear Valley Homes 2022, LLC:

Future Annexation of your property at 3815 Spicer Drive

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Raymond Johnston
4580 Knox Butte Road SE
Albany, OR 97322

Dear Raymond Johnston:

Future Annexation of your property at 4580 Knox Butte Road

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



PUBLIC WORKS – ENGINEERING

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | PHONE 541-917-7676 | FAX 541-917-7573

August 25, 2023

Wesley & Lila Lokey
4710 Knox Butte Road SE
Albany, OR 97322

Dear Wesley & Lila Lokey:

Future Annexation of your property at 4610 Knox Butter Road

At the July 24, 2023, Albany City Council Work session, the City Council directed staff to proceed with annexing properties that are outside of City limits but subject to Irrevocable Requests to Annex. The current or previous owners of those properties signed Irrevocable Requests to Annex in order to hook up to the City sanitary sewer system, the City water system, or both. Attached you will find a copy of the executed Irrevocable Requests to Annex affiliated with your property.

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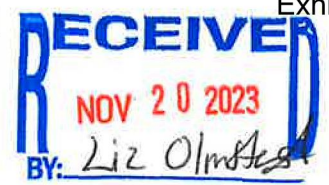
Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

Attachments 2
Memo to Council – July 24, 2023 Work Session
Irrevocable Requests to Annex

c: Gordon Steffensmeier
Matthew Ruettgers
Linn County Planning & Building Director
Linn County Assessor's Office



November 20, 2023

Regarding Public Hearing for the annexation to the city and rezoning of LBCC Equestrian Facility.

As a land owner on 53rd Ave SW Albany, OR, I am opposed to the annexation to city and rezoning of the adjacent property to RS 6.5/open space designation.

This potentially could lead to development of traditional farmland and would greatly impact the traffic patterns on 53rd Ave, surrounding farms, wildlife habitat and wetlands.

It is my understanding, after reviewing the flood plain maps with County Planning Department that a significant portion of this parcel is on 100 year flood plain. This significantly reduces its suitability to support residential homes.

The parcel is also quite close the Calapooia river which every 3-5 years poses a significant flood risk, despite the 100 flood plain designation. I have lived here for close to 13 years and there is significant flooding every 3-5 years. I have submitted pictures as well which demonstrate this.

Additionally, my property contains significant wildlife habit: ie, Many Bird Species, Bald Eagles, Herons, Hawks, Owls, Bobcats, Deer, Bats, etc.

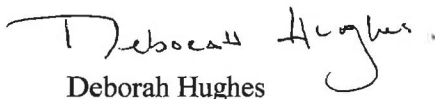
High density residential zoning may significantly impact their habitat.

I have discussed this matter with many neighbors who are opposed to this rezoning as well.

We are all in agreement and do not feel that this parcel is suitable area to support high density residential zoning.

Thank you in advance for your consideration.

Sincerely,


Deborah Hughes



RECEIVED
NOV 20 2023
BY: *Liz Almsted*



RECEIVED
NOV 20 2023
BY: *Liz Amst*

November 20, 2023

Attachment G

Dear Planning Commission and City Council,

On November 17th, 2023 I received a Notice of Public Hearing regarding the annexation and zoning amendments for the LBCC Equestrian Center, our neighbor at 2958 53rd Ave SW (letter says SE). I strongly oppose these actions for a variety of reasons, but this letter will stick to my **objections** to Approval Standards (ADC 2.110) and Zone Map Amendments (ADC 2.740) indicated in your Notice that the property “complies with all of the criteria”

(ADC 2.110)

- 1) Eligibility Criteria - The subject property is not contiguous to existing city limits, it is surrounded by County properties.
- 2) Infrastructure Criteria - LBCC does access City water, possibly due to poor water quality from their earlier well. The property remains on a septic system, there is no City sewer past 2211 53rd Ave SW.

The one lane county road is the only access to the property, and there is no storm drain.

- 3) *The short notice of this action has not allowed for additional research needed to address Planning Criteria.
- 4) Reasonable by definition is fair, sensible, moderate, sound judgment all of which can be subjective. As a neighbor to the subject property, and member of our tiny community of 12. We do not feel it reasonable to change our way of life we have strived for and grown accustomed to. We’ve all chosen to live in this small community, as it was presented, with large lots, livestock peacefully roaming and a few neighbors we can call in a bind, or gather with to celebrate. We look after each other when prostitutes and delinquents trespass and damage property. It is not reasonable to take that from us.

(ADC 2.740)

- 1) Proposed base zone of RS-6.5 is not consistent with neighboring properties and an unindicated open space area is inadequate information. Our property is the closest RS- 6.5, and the City was advised by the State that it not be zoned residential at all (Goldstein, Aug. 23, 1994). Adding a neighborhood of 42+ homes on that property would be devastating to our tiny community, especially without the infrastructure to support it and the added demand on the 1 road off of Hwy 99E.
- 2) I am unaware of any transportation facilities this side of town.
- 3) There is only water service to the area. Without existing sanitary sewer, storm sewer, City Police and Fire they cannot accommodate the potential development.

4&5) * As before, the minute amount of time given has not allowed research on the Comprehensive Plan goals and policies.

Reference

Goldstein, Libby (Aug 23, 1994), *Site Inspection Prioritization (SIP) Report of the Old Albany Landfill Site, Albany Oregon* (CERLCIS No. ORD980738629) [Memorandum] URS Consultants, Inc.

Respectfully,

Bobbi Jo Johnson
2605 53rd Ave SW
Albany Oregon