



ORDINANCE NO. 5955

AN ORDINANCE PROCLAIMING ANNEXATION OF A PROPERTY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S-03W-20 AS TAX LOT 606; 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 October 22, 2020, the Albany Community Development Department received an application for annexation with concurrent zoning map amendment for a 35.32-acre unaddressed parcel located immediately north of 3795 Lochner Road SE (Planning Files AN-03-20 and ZC-04-20); and

WHEREAS, the application for zoning map amendment would assign a Single-Family Residential (RS-6.5) zone to this property, concurrent with annexation. Prior to annexation, the property was subject to Linn County zoning and related development requirements. Albany Single-Family Residential (RS-6.5) zone has an average minimum lot size of 6,500 square feet; and

WHEREAS, on March 1, 2021, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed annexation with zoning map amendment, and recommended approval with conditions of the proposal based on evidence presented in the staff report and during the public hearing; and

WHEREAS, the analysis and findings of the fact and conclusions as provided in the staff report dated March 15, 2021, are presented as an attachment to this ordinance as Exhibit D; and

WHEREAS, a signed Irrevocable Request to Annex Agreement has been submitted and satisfies conditions approval as noted in the staff report; and

WHEREAS, on March 24, 2021, 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 hearing, and then deliberated.

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

Section 1: The territory shown on the map in Exhibit A, described in Exhibit B, and shown on Partition Plat 2020-70 in Exhibit C of this ordinance is hereby proclaimed to be annexed to the City of Albany with conditions noted in the staff report dated March 15, 2021.

Section 2: The zoning district map is hereby amended to the Single-Family Residential (RS-6.5) zoning district for the property located in the City of Albany, Linn County, Oregon, as shown on the map in Exhibit A, described in Exhibit B, and shown on Partition Plat 2020-70 in Exhibit C of this ordinance.

Section 3: The findings of fact and conclusions included in the staff report dated March 15, 2021, in Exhibit D of this ordinance, are hereby adopted in support of the decision.

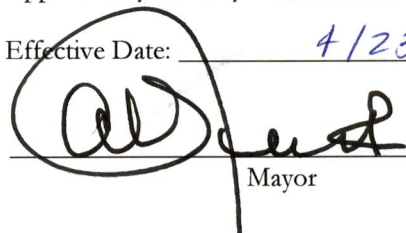
Section 4: A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map.

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


Passed by the Council: 3/24/21

Approved by the Mayor: 3/24/21

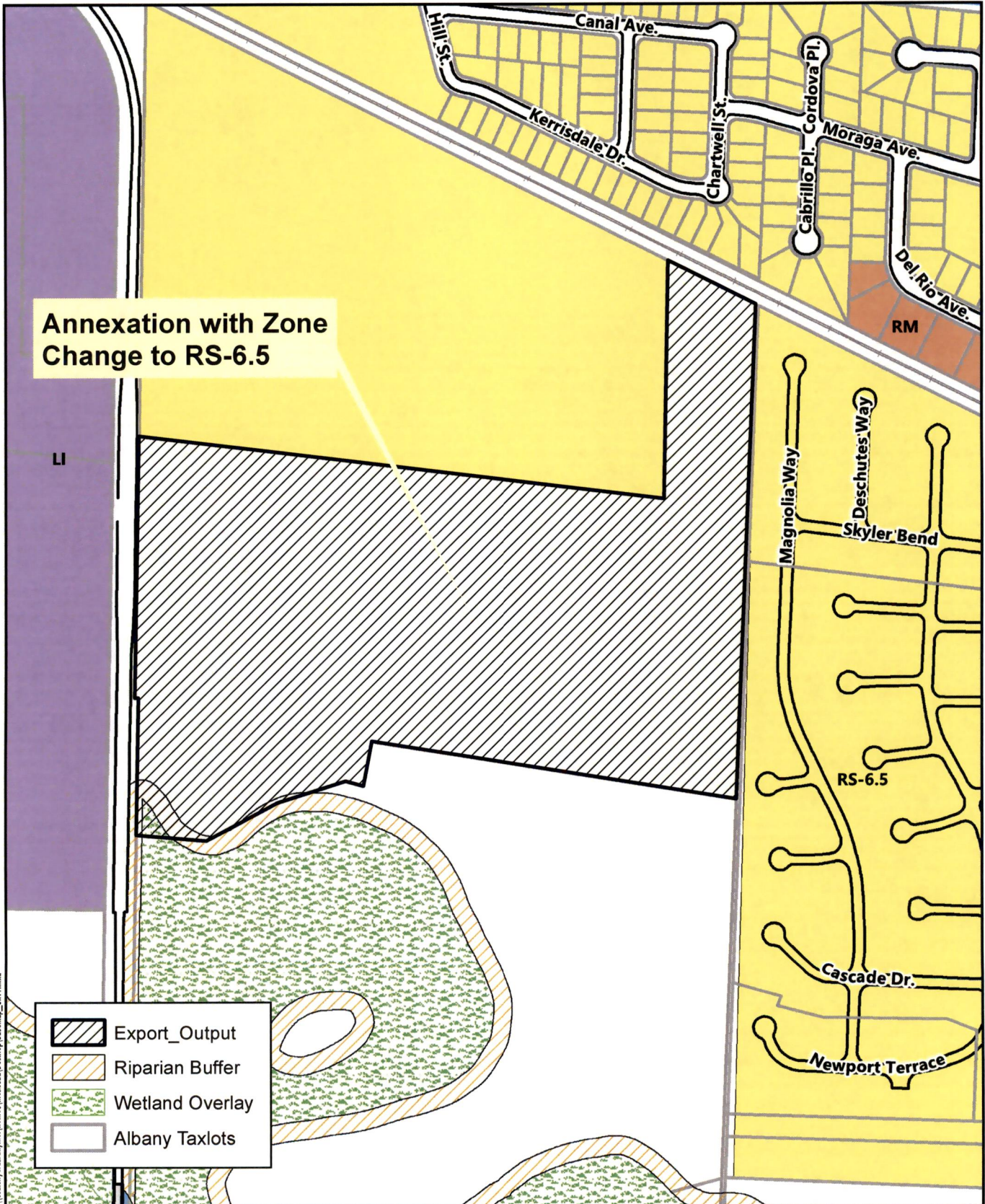
Effective Date: 4/23/21



Mayor

ATTEST:

Mary P. Dubble

City Clerk



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Linn County Assessor's Map No. 11S-03W-20; Tax Lot 606

Date: 3/15/2021 Map Source: City of Albany

City of Albany, OR



LAND SURVEYING

PO Box 2385 Lebanon, OR 97355 Phone: 541.258.8833

Annexation Legal

Parcel 2 of Linn County Partition Plat no. 2020-70 in the Northwest and Southwest 1/4 of Section 20 and Northeast and Southeast 1/4 of Section 19, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

Containing 35.32± Ac



C.S. 26931
PARTITION PLAT NO. 2020-70
IRVIN & LOIS GERIG TRUST

A REPLAT OF PARCEL 1 OF PP NO. 2017-51
AN AREA OF LAND WITHIN THE ROBERT PENTLAND DLC NO. 69
NW & SW 1/4 OF SECTION 20, T 11 S, R 3 W, W.M. &
NE & SE 1/4 OF SECTION 19, T 11 S, R 3 W, W.M.
LINN COUNTY, OREGON
SURVEYED: SEPTEMBER 24, 2020

OWNER'S DECLARATION:

KNOW ALL PERSONS BY THESE PRESENT, THAT IRVIN L GERIG AND LOIS J. GERIG, TRUSTEES OF THE IRVIN L. GERIG AND LOIS J. GERIG REVOCABLE LIVING TRUST ARE THE OWNERS OF THE LANDS REPRESENTED ON SHEET 1 AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR CERTIFICATE HEREON, AND HAVE CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED INTO PARCELS ACCORDING TO THE PROVISIONS OF ORS 92.

Loren Gerig
LOREN GERIG, TRUSTEE OF THE IRVIN L. & LOIS J. GERIG TRUST

Luann Breneman
LUANN BRENEMAN, TRUSTEE OF THE IRVIN L. & LOIS J. GERIG TRUST

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
COUNTY OF LINN)

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF December, 2020, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LOREN GERIG, TRUSTEE OF THE IRVIN L. GERIG AND LOIS J. GERIG TRUST WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

Kristal June Drummond
NOTARY SIGNATURE
NOTARY PUBLIC - OREGON
(PRINT NAME) Kristal June Drummond
COMMISSION NO. 981149
MY COMMISSION EXPIRES November 19, 2022

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
COUNTY OF LINN)

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF December, 2020, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LUANN BRENEMAN, TRUSTEE OF THE IRVIN L. GERIG AND LOIS J. GERIG TRUST WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

Kristal June Drummond
NOTARY SIGNATURE
NOTARY PUBLIC - OREGON
(PRINT NAME) Kristal June Drummond
COMMISSION NO. 981149
MY COMMISSION EXPIRES November 19, 2022

RECORDER'S STATEMENT:

STATE OF OREGON)
) SS
COUNTY OF LINN)

I HEREBY CERTIFY THAT THE PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE LINN COUNTY RECORD OF PARTITION PLATS, PLAT NO. 2020-70 ON THIS 16th DAY OF December 2020, AT 10:36 O'CLOCK A.M. TARGET SHEET RECORDED IN DOCUMENT NO. 2020-26238

STEVE DRUCKENMILLER BY Jan M. Deary
LINN COUNTY CLERK

ASSESSOR'S STATEMENT:

TAXES ON THE HEREIN DESCRIBED PROPERTY HAVE BEEN PAID AS OF THE 16th DAY OF December, 2020.

Christopher Dan Deary
LINN COUNTY TAX COLLECTOR/ASSESSOR

APPROVALS:

THIS REPLAT IS SUBJECT TO TERMS AND CONDITIONS OF LINN COUNTY NOTICE OF DECISION FOR PARTITION PD20-0114.

Robert Wheeler 12/16/2020
DIRECTOR, LINN COUNTY PLANNING AND BUILDING DEPARTMENT DATE

Thomas J. Conroy 12/16/2020
LINN COUNTY SURVEYOR DATE

SURVEYOR'S CERTIFICATE:

I, DERON M. CRAWFORD, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED HEREON PER ORS 92, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF LINN COUNTY PARTITION PLAT NO. 2017-51 IN THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON. THE INITIAL POINT BEING THE WEST NORTHWEST CORNER OF SAID PARCEL 1

EASEMENT OF RECORD:

THE FOLLOWING EASEMENT WAS REVEALED IN A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE, TITLE NO. 7099-2868621

AN EASEMENT IN FAVOR: UNITED STATES OF AMERICA
RECORDED: MARCH 18, 1949 IN BOOK 207 PAGE 328

AN EASEMENT IN FAVOR: UNITED STATES OF AMERICA
RECORDED: JULY 06, 1954 IN BOOK 238 PAGE 404

AN EASEMENT IN FAVOR: NORTHWEST NATURAL GAS
RECORDED: AUGUST 31, 1969 IN BOOK 272 PAGE 827

AN EASEMENT IN FAVOR: CONSUMERS POWER
RECORDED: SEPTEMBER 15, 1978 IN MF VOLUME 212 PAGE 377

AN EASEMENT RECORDED: NOVEMBER 13, 1979 IN MF VOLUME 249 PAGE 796

AN EASEMENT IN FAVOR: CITY OF ALBANY
RECORDED: OCTOBER 14, 1980 IN MF VOLUME 273 PAGE 721

AN EASEMENT IN FAVOR: CITY OF ALBANY
RECORDED: OCTOBER 14, 1980 IN MF VOLUME 273 PAGE 724

AN EASEMENT IN FAVOR: CONSUMERS POWER
RECORDED: JUNE 20, 1996 IN MF VOLUME 809 PAGE 982

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT.
Deron M. Crawford
DERON M. CRAWFORD

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Deron M. Crawford
OREGON
JAN. 9, 2007
DERON M. CRAWFORD
#75980 LS

EXPIRES: 12-31-2021



1055 AIRWAY ROAD, BLDG B
PO BOX 2385, LEBANON, OREGON 97355
PH: (541) 258-8833 FAX: (541) 258-8834

SHEET 2 OF 2

JOB: 19-05-018



COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

Staff Report

Annexation with Zoning Map Amendment

AN-03-20 and ZC-04-20

March 16, 2021

HEARING BODIES:	Planning Commission	City Council
HEARING DATES:	Monday, March 1, 2021	Wednesday, March 24, 2021
HEARING TIMES:	5:15 P.M.	6:00 P.M.
HEARING LOCATION:	Due to Governor Brown’s Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.	

At the scheduled start of the hearing, join with the GoToMeeting app or Zoom on your computer, tablet, or smartphone (using your device’s microphone and speakers):

PLANNING COMMISSION, Monday, March 1, 2021

<https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc>

If you wish to dial in using your phone:

Call 1-571-317-3122 and when prompted enter access code 498-239-709

CITY COUNCIL, Wednesday, March 24, 2021

<https://zoom.us/j/5419177500?pwd=UzdQbFgvSUxVRVErZjAwSnIxVXZQZz09>

If you wish to dial in using your phone:

Call 1-253-215-8782, meeting ID: 541 917 7500, passcode: 252269

Summary

The application is a request to annex a 35.32-acre parcel located north of Oak Creek on the east side of Lochner Road SE. The subject property is identified on Linn County Assessor’s Map No. 11S-03W-20 as Tax Lot 606, and it is located immediately north of 3795 Lochner Road SE (Attachment A). This property is eligible for annexation as it is contiguous to the current city limits, located within the Albany Urban Growth Boundary (UGB), and public services are available to serve the property (Attachment D).

The zoning map will be amended to the Single-Family Residential (RS-6.5) zone, concurrent with the annexation (Attachment B). Prior to annexation, the subject property was subject to the Linn County zoning and related development requirements, under the Linn County “Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20).” The proposed RS-6.5 zone will ensure that development potential is known, and the property is subject to the applicable City development regulations.

The proposed RS-6.5 zoning district is consistent with the long-range land use designations that are planned for the subject property because the Comprehensive Plan Map designation for the property is “Urban Residential Reserve - (URR)” (Attachment C). The subject property is also located within the boundary of the



South Albany Area Plan (SAAP), which calls for a low-density residential pattern already established in the vicinity of the parcel (Attachment H.18 and I).

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

The criteria for annexation are found in Albany Development Code (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 with a condition of approval for an Irrevocable Offer of Annexation for the 42.50-acre applicant-owned parcel immediately south of this site. Therefore, the staff recommendation for the proposal is to grant APPROVAL with a CONDITION.

Application Information

Proposal:	Annexation with concurrent Zone Map Amendment to a Residential Single-Family (RS-6.5) zone for future development of a residential subdivision.
Review Body:	Planning Commission and City Council (Type IV, Legislative and Quasi-Judicial Decision)
Report Prepared By:	Melissa Anderson, project planner
Property Owner:	Loren Gerig and LuAnn Brenneman Irvin and Lois Gerig Rev Liv Trust 2089 Silver Falls Drive NE Silverton, OR 97381
Applicant:	Hayden Homes, LLC 2464 SW Glacier Place #110 Redmond, OR 97756
Applicant's Representative:	Jed Truett Metro Planning 846 A Street Springfield, OR 97477
Address/Location:	North of 3795 Lochner Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-20; Tax Lot 606
Zoning:	Linn County Zone: Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan Map:	Urban Residential Reserve
Acres:	35.32 acres
Existing Land Use:	Vacant
Neighborhood:	South Albany
Surrounding Zoning:	North: RS – 6.5 Residential Single Family South: Linn County Zone UGA-UGM-20 East: RS – 6.5 West: LI – Light Industrial
Surrounding Uses:	North: Railroad, Vacant and Single-family residences

South: Vacant and a Single-family residence
 East: Single-family residences
 West: Oregon Youth Authority and Freezing and Storage Company

Prior History: A two-lot partition was processed and recorded with Linn County Oregon. Partition Plat 2020-70, C.S. 26931, is included as Attachment E.

Review Process and Appeals

The proposal for annexation concurrent with zoning map amendment is processed through a Type IV legislative and 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 1.520(6)].

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 January 21, 2021, at least 35 days before the first evidentiary hearing, in accordance with Oregon Administrative Rule (OAR) 660-018-0020 and the ADC 1.640.

A public notice was mailed to surrounding property owners within 300 feet of the subject property on February 8, 2021 in accordance with ADC 1.370(2) and ADC 1.400. A public notice was posted on the property by February 19, 2021, in accordance with ADC 1.410. Notice of the public hearing was published in the *Albany Democrat-Herald* on February 19, 2021, in accordance with ADC 1.600(2). The staff report for the proposed annexation with concurrent zoning map amendment was posted on the City's website on February 22, 2021, at least seven days before the first evidentiary public hearing.

Public notice was also published prior to the City Council public hearing regarding removal of the subject property from the taxing district of the Albany Rural Fire Protection District. Notice of the public hearing was published in the *Albany Democrat-Herald* on March 10, 2021, and March 17, 2021, in accordance with Oregon Revised Statutes (ORS) 222.524.

At the time this report was published, the Albany Planning Division had not received any written comments regarding the proposed project.

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 annexation is a 35.32-acre parcel located north of Oak Creek on the east side of Lochner Road. The subject property is identified on Linn County Assessor's Map No. 11S-03W-20 as Tax Lot 606, and it is located immediately north of 3795 Lochner Road SE (Attachment A).
- 1.2 As shown on Attachment D, the subject property is contiguous to the current city limits on three sides, to the north, east, and west. The zoning for the property is currently under Linn County and designated as "Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)".
- 1.3 As shown on Attachment D, the subject property is located within the Albany Urban Growth Boundary (UGB). The Comprehensive Plan Map designation for the property is "Urban Residential Reserve - (URR)" (Attachment C).

Conclusions

- 1.1 The subject property is contiguous to the existing Albany city limits and located within the UGB as established by the Albany Comprehensive Plan.
- 1.2 The subject property is 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 this area. There are properties on three sides currently being served by the City's Fire Services. Fire service to this property would be a logical expansion of the current service boundaries.
- 2.2 Police: There are properties on three sides currently being served by the City's Police Services. Police service to this property would be a logical expansion of the current service boundaries.
- 2.3 Sanitary Sewer: City utility maps show a 24-inch public sanitary sewer force main running east-west through the subject property within the powerline easement in the northern portion of the site, and a 12-inch main in Lochner Road SE along the northernmost 175 feet of the subject property's frontage.

ADC 12.470 requires all new development to extend and/or connect to the public sanitary sewer system if the property is within 300 feet of a public sewer line. Therefore, future development of the subject property will require the extension of the public sanitary sewer system.

Albany Municipal Code (AMC) 10.01.010 (1) states the objective of the AMC requirements pertaining to public sanitary sewers is to facilitate the orderly development and extension of the wastewater collection and treatment system, and to allow the use of fees and charges to recover the costs of construction, operation, maintenance, and administration of the wastewater collection and treatment system.

- 2.4 Water: City utility maps show a 16-inch public water main in Lochner Road SE along the northernmost 170 feet of the subject property's frontage.

ADC 12.410 requires all new development to extend and/or connect to the public water system if the property is within 150 feet of an adequate public main. Therefore, future development on the subject property will require the extension of the public water system.

AMC 11.01.100 (1) states in order to be eligible to receive public water service, public mains of sufficient size to provide adequate service (domestic, commercial, industrial, and/or fire) to the applicant without detriment to existing customers, must be in place adjacent to all property frontages, or as specified by the City Engineer.

AMC 11.01.120 (2)(c) states the City shall have the sole right to determine size, location, and type of facility to be constructed. All engineering of public water facilities shall be based on both domestic and fire protection design criteria, and in accordance with the City's water facility plan. All public water system improvements to be built under a private contract require the developer obtain a Permit for Private Construction of Public Improvements.

AMC 11.01.120 (2)(h) states all public main extensions must include fire hydrants and other appurtenances in a manner consistent with the recommendations of the water system facility plan, the Standard Construction Specifications, and/or the fire marshal.

AMC 11.01.120(2)(b) states all public water system improvements must be installed in public rights-of-way or public utility easements. The normal location for the public water main extensions will be in a dedicated street right-of-way.

The City has the sole authority to make discretionary determinations required by this code. Such discretionary determinations are required where the code calls for approvals, determinations, reasonableness, authorization, standards (or reductions thereof), judgments, estimates, requirements, sufficiency, options, impacts upon the water system and/or customers thereof, and similar words or phrases. In each case where such words or phrases are stated or implied, they will be understood to mean "subject to the approval or determination of the City" (AMC 11.01.300).

- 2.5 Storm Drainage: City utility maps show a 42-inch public storm drainage main on Lochner Road SE. Future development on the subject property will likely require the construction of stormwater quality facilities.

It is the property owner's responsibility to ensure any proposed grading, fill, excavation, or other site work does not negatively impact drainage patterns to, or from, adjacent properties. In some situations, the applicant may propose private drainage systems to address potential negative impacts to surrounding properties. Private drainage systems that include piping will require the applicant to obtain a plumbing permit from the Building Division prior to construction. In addition, any proposed drainage systems must be shown on the construction drawings. The type of private drainage system, as well as the location and method of connection to the public system must be reviewed and approved by the City of Albany's Engineering Division.

ADC 12.530 states a development will be approved only where adequate provisions for storm and flood water run-off have been made, as determined by the City Engineer.

AMC 12.45.030 and 12.45.040 require a post-construction stormwater quality permit shall be obtained for all new development and/or redevelopment projects on a parcel(s) equal to or greater than one acre, including all phases of the development, where more than 8,100 square feet of

impervious surfaces will be created or replaced. (Ord. 5841 § 3, 2014).

- 2.6 Transportation Infrastructure: The proposed annexation is a 35.32-acre parcel located north of Oak Creek on the east side of Lochner Road. The site's west boundary adjoins Lochner Road. Lochner Road SE is classified as a minor arterial street and except for a sidewalk, is improved to City standards along the site's frontage. Improvements include curb and gutter; sidewalk on the west side of the road; a vehicle travel lane in each direction; and on street bike lanes. A condition to construct sidewalk along the site's frontage can be applied to a future development proposal for the site.

Albany's Transportation System Plan (TSP) assumed this site would be annexed into the City and developed with low-density residential uses.

The site is located within the South Albany Area Plan (SAAP) boundary. The SAAP was adopted as part of the Comprehensive Plan in February 2013. The SAAP includes creation of a system of public trails linking various land uses throughout the plan area (Attachment I.3). A portion of that trail system is located on the parcel being proposed for annexation. That path system is also included in the TSP. A condition to construct a trail system can be applied to a future development proposal for the site.

The site proposed for annexation was part of a recent two-lot partition that occurred in Linn County (Attachment E). This site was the north parcel in that partition. The south parcel is 42.50 acres in size and adjoins Lochner Road SE. Its frontage on the road is unimproved. Much of the parcel's frontage on Lochner Road SE contains wetlands designated by the City as significant. That limits the development potential of the portion of the site next to Lochner Road SE. Staff had concerns about recommending annexation of only the north parcel, and possible impact that might have in the future on the City's ability to accomplish street and utility improvements to the south. The applicant has addressed those concerns by agreeing to provide an Irrevocable Offer of Annexation for the south parcel (Attachment F).

Conclusions

- 2.1 Police and Fire services are currently available to serve the property proposed for annexation.
- 2.2 Public utilities are available to serve the site upon development. Future development of the site will require the extension of public utilities within the subject property and along the property's Lochner Road frontage. Any future development application for the site (i.e., residential subdivision), can be conditioned to extend public utilities to serve the site.
- 2.3 The area proposed for annexation adjoins a minor arterial street that is improved to City standards, with the exception of a sidewalk. Any future development application on the site can be conditioned to install the sidewalk improvements.
- 2.4 Albany's TSP and the SAAP include creation of a public trail system connecting this site to other locations and land uses within the plan area. Any future development application on the site can be conditioned to install the on-site portion of the trail system.
- 2.5 The transportation system can support development of the site.
- 2.6 The applicant has agreed to provide an Irrevocable Offer of Annexation for the applicant-owned parcel immediately south of this site.
- 2.7 An adequate level of urban services and infrastructure is available or will be made available in a timely manner with the following condition.

Condition

1. Prior to annexation, the applicant shall provide an Irrevocable Offer of Annexation for the 42.50-acre applicant-owned parcel immediately south of this site.

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 The proposed annexation is a 35.32-acre parcel located north of Oak Creek on the east side of Lochner Road. The Comprehensive Plan Map designation for the subject property is Urban Residential Reserve (URR) (Attachment C). The applicant is proposing to apply a City of Albany zoning district of RS-6.5 (Residential Single-Family), which is consistent with the URR plan map designation.
- 3.2 The site is located within the SAAP planning area, and the SAAP was adopted as part of the Comprehensive Plan. The SAAP not only shows the area as planned for low-density residential development, but also guides how the streets and other infrastructure will be laid out in the immediate area (Attachments H.18-H.20). The proposed RS-6.5 zone is consistent with the SAAP land use designation.
- 3.3 Public infrastructure facility plans that deal with this area include the City's Capital Improvement Program, Water Facility Plan, Wastewater Facility Plan, Storm Drainage Master Plan, and the Transportation System Plan.
- 3.4 Public facilities that would be required to serve future development on the subject property are available at or near the site. As discussed under Criterion Two (above), an adequate level of urban services and infrastructure are available to serve the subject property; those findings are included here by reference.
- 3.5 Annexation agreements are a tool to implement the vision, goals, and policies in South Albany. Annexation Agreements are generally required for all lands proposed to be annexed in South Albany to ensure all annexations are in the public interest. The terms of annexation agreements may include, but are not limited to, dedication of land for future public facilities, construction of public improvements, waiver of compensation claims, or other commitments and public benefits deemed valuable to the City of Albany. Annexation agreements are typically recorded as a covenant running with the land.
- 3.6 The applicant has agreed to provide an Irrevocable Offer of Annexation for the applicant-owned parcel immediately south of this site. This is included as a condition of approval under Criterion Two (above); Finding 2.6 is included here by reference.

Conclusions

- 3.1 Long range planning has been conducted for the region of the subject property. These plans include various public facility plans, the SAAP, and the Albany Comprehensive Plan.
- 3.2 As discussed under Criterion Two, an adequate level of urban services and infrastructure are available to serve the subject property.
- 3.3 Low-density residential development under the proposed RS-6.5 zoning is consistent with the SAAP and Comprehensive Plan.
- 3.4 Annexation agreements are typically required for all lands proposed to be annexed in South Albany to ensure all annexations are in the public interest. Unresolved issues regarding public infrastructure are resolved through an Irrevocable Offer of Annexation, as conditioned under Criterion Two

(above).

- 3.5 This criterion is satisfied because the proposed annexation is consistent with various studies and plans covering this area.

Criteria 4

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

Findings of Fact

- 4.1 The subject property abuts the existing city limits and the property proposed for annexation lies within the UGB (Attachment D). 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 property proposed for annexation.
- 4.3 The annexation is requested by the property owner and applicant (Attachment H).
- 4.4 The proposed annexation is consistent with the SAAP of 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 subject property is a 35.32-acre parcel located north of Oak Creek on the east side of Lochner Road. The parcel is identified on Linn County Assessor's Map No. 11S-03W-20 as Tax Lot 606, and it is located immediately north of 3795 Lochner Road SE (Attachment A).
- 1.2 The subject property is currently under Linn County zoning as "Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)" (Attachment B).
- 1.3 The proposal is for a zoning map amendment from the Linn County UGA-UGM-20 to the Albany Single-Family Residential (RS-6.5) zone, concurrent with annexation. The annexation criteria are addressed earlier in this report; those findings are included here by reference.
- 1.3 The Comprehensive Plan Map designation for the property is "Urban Residential Reserve - (URR)" (Attachment C). The subject property is also located within the boundary of the South Albany Area Plan (SAAP), which calls for a low-density residential pattern already established in the vicinity of the parcel (Attachment H.18 and I).
- 1.4 As shown on the Plan Designation Zoning Matrix (ADC 2.760, Table 2-1), the RS-6.5 zoning district is consistent with the URR Comprehensive Plan Map Designation. In addition, the RS-6.5 zoning district is compatible with the low-density land use planned for the area in the SAAP.

Conclusion

- 1.1 The proposed RS-6.5 zone is consistent with the Comprehensive Plan Map Designation 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 site as permitted under the proposed RS-6.5 zoning district.

Conclusions

- 2.1 Existing or anticipated transportation facilities are adequate for the proposed RS-6.5 zoning district.
- 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 zoning district.
- 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 the property to RS-6.5 would allow for single-family development up to six 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 site 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 zoning district.
- 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 property is Linn County UGA-UGM-20, and the proposed zone for the property is the Albany RS-6.5 zoning district.

- 4.2 According to ADC 3.020(3), the RS-6.5 zoning district is “*intended primarily for low-density single family residential development. The average minimum single-family lot size is 6,500 square feet.*” The intent and purpose of the RS-6.5 zone is consistent with URR Comprehensive Plan Map Designation and with the low-density land use planned for the area in the SAAP.
- 4.3 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed RS-6.5 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.

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

At the public hearing, the application is reviewed based on all criteria relevant to the proposal. The public hearing provides 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.

- 4.5 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 URR Comprehensive Plan Map Designation includes the RS-6.5 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.

- 4.6 The proposed rezone is for a 35.32-acre parcel located north of Oak Creek. As shown on location maps A to C of the attachments, natural resource overlays are located on a small portion of the southwestern corner of the subject property; these include the Riparian Corridor, Significant Wetland, and Floodplain overlay districts.

The Comprehensive Plan goals and policies for protection of natural resources are implemented through Article 6 of the ADC through clear and objective development standards. Future development of the site under the proposed RS-6.5 zone will require land use review, which will include evaluation of impacts to the Riparian Corridor, Significant Wetland, and Floodplain overlay districts. As such, future development can be conditioned to avoid impacts to significant natural resources through application of the ADC.

As shown on the applicant's submittal (Attachment H.9), the subject property also contains non-significant local wetlands that are regulated by the Oregon Department of State Lands (DSL). If the applicant intends to impact these wetlands in a future development proposal, a permit from DSL will be required before development could occur.

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.

- 4.7 As discussed under Annexation Criterion Two, the subject property is located in an area accessible to employment and public services. All City services are available to serve residential development on the subject property; those findings and conclusions are included here by reference.

The proposed zone change to RS-6.5 is the type of zoning anticipated by the Comprehensive Plan. ADC 2.760 states RS-6.5 is a compatible zoning district for the URR Comprehensive Plan Map land use designation. The City further refined this area in the SAAP, which shows the area as appropriate for low-density residential development (Attachment I.5). The RS-6.5 zone is consistent with the low-density residential development pattern envisioned for this site by the SAAP. Therefore, the zoning map amendment from UGA-UGM-20 to RS-6.5 is consistent with applicable housing policies of the Comprehensive Plan.

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.

- 4.8 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 property is located within the Urban Growth Boundary (Attachment D) and within the South Albany Area Plan (SAAP) study area (Attachment I).

Annexation agreements are a tool to implement the vision, goals, and policies in South Albany. Annexation Agreements are typically required for all lands proposed to be annexed in South Albany to ensure all annexations are in the public interest. The terms of annexation agreements may include, but are not limited to, dedication of land for future public facilities, construction of public improvements, waiver of compensation claims, or other commitments and public benefits deemed valuable to the City of Albany. Annexation agreements are typically recorded as a covenant running with the land.

Public facilities that would be required to serve future development on the subject property are available at or near the site. Connection charges for sanitary sewer, water, and storm drainage will be due when development occurs. Condition of Approval #1, under Annexation Criterion Two, will require the applicant to enter into an Irrevocable Offer of Annexation that outlines respective obligations between the applicant and the City.

The proposed RS-6.5 zone will ensure that development potential is known, and the property is 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.

Statewide Planning Goal 14, Urbanization: South Albany Area Plan (Chapter 8)

Policy 3: South Albany's overall land use pattern of residential, employment, and open space areas shall be generally consistent with the Organizational Framework (see Figure 1).

Policy 4: Development patterns in South Albany should promote the efficient use of land and infrastructure and conservation of significant natural resources.

Policy 17: Comprehensive Plan and Zoning Map designations shall implement the Land Use Plan (see Figure 5), and be consistent with the following table:

SAAP Land Use Concept	Comprehensive Plan Map Designation	Zone Map Designation*
Low-Density Residential	Low-Density Residential	RS-5, RS-6.5, RS-10
Medium-Density Residential	Village Center <i>at the Lochner and Columbus centers</i>	RM
	Medium-Density Residential <i>elsewhere</i>	RM, RS-5
Neighborhood Center	Village Center <i>at the Lochner and Columbus centers</i>	MUC
	Medium-Density Residential <i>at Mennonite Village</i>	NC
Regional Commercial	General Residential	RC
Neighborhood Commercial	Light Commercial	NC
Industrial Park	Light Commercial	IP
Light Industrial	Light Industrial	LI
Heavy Industrial	Heavy Industrial	HI
Community Park	Low-Density Residential	RS-5
Open Space	Open Space	OS

4.9 As shown on the SAAP Organization Framework Map (Attachment I.1), the subject property is intended for residential use. The proposed RS-6.5 zone is consistent with the long-term vision for the property as residential use.

As shown on the SAAP Land Use Map (Attachment I.5), the subject property is intended for low-density residential use. The table above shows the SAAP Land Use Concept of Low-Density Residential is compatible with the proposed RS-6.5 zone.

The subject property is a vacant parcel that is located in an area accessible to public services. All City services are available to serve residential development on the subject property. Development of the property supports the efficient use of land and existing infrastructure.

Conclusions

- 4.1 Goal 1, Citizen Involvement. The proposed zoning map amendment adheres to Goal 1 by following the provisions for conducting quasi-judicial public hearings.
- 4.2 Goal 2, Land Use Planning. The proposed zoning map amendment to RS-6.5 is compatible with the Urban Residential Reserve Comprehensive Plan Map designation and the low-density residential land use envisioned for the area in the SAAP.
- 4.3 Goal 5, Open Spaces – Wetlands. Natural resource overlays are located on a small portion of the southwestern corner of the subject property; these include the Riparian Corridor, Significant Wetland and Floodplain overlay districts. Any future development impacting these areas will be evaluated against the standards of the ADC to protect these natural resources.
- 4.4 Goal 10, Housing. The RS-6.5 zoning district is intended primarily for low-density residential urban development. The proposed zoning map amendment to RS-6.5 will make the proposed land use consistent with the intent of the housing policies of the Comprehensive Plan and the SAAP.
- 4.5 Goal 14, Urbanization. The proposed RS-6.5 zone is consistent with policies contained in the Comprehensive Plan and South Albany Area 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 and the and the long-range vision for the SAAP.

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 Transportation Plans relevant for the subject property are the Albany TSP and the SAAP. The site is located within the SAAP planning area, which was adopted as part of the Albany Comprehensive Plan. The TSP identifies improvements necessary to accommodate anticipated development through the year 2030.
- 5.2 The TSP assumed this site would be annexed into the City and developed with low-density residential uses. The proposed RS-6.5 zone is compatible with the long plan for low-density residential uses.
- 5.3 The subject property adjoins a minor arterial street that is improved to City standards, with the exception of a sidewalk. Albany's TSP and the SAAP include creation of a public trail system connecting this site to other locations and land uses within the plan area (Attachment I.3).
- 5.4 Any future development application on the site can be conditioned to install the sidewalk improvements, and the on-site portion of the trail system, consistent with the TSP and SAAP.

Conclusions

- 5.1 The proposed zone change to RS-6.5 will not modify the transportation pattern envisioned by the TSP or SAAP.
- 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 to Albany Single-Family Residential (RS-6.5) zone satisfies all applicable review criteria outlined in this report.

Condition

1. Prior to annexation, the applicant shall provide an Irrevocable Offer of Annexation for the 42.50-acre applicant-owned parcel immediately south of this site.

Attachments

- A. Location Map
- B. Zoning Map
- C. Comprehensive Plan Map
- D. City Limit with Urban Growth Boundary Map
- E. Partition Plat 2020-70, C.S. 26931
- F. Email from Joel D. Kalberer, Weatherford Thompson Attorneys at Law (dated Jan. 8, 2021), with draft irrevocable request to annex agreement.
- G. Memo from Jed Truett, Metro Planning (dated Nov. 27, 2020)
- H. Annexation and Rezone Application with Findings Narrative
- I. South Albany Area Plan Maps

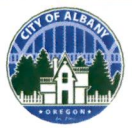
**EXHIBIT D
ATTACHMENT A**



Subject Property

-  Subject Property
-  100 Year Flood Plain (2010)
-  Albany Floodway
-  Riparian Buffer
-  Wetland Overlay
-  Albany Taxlots

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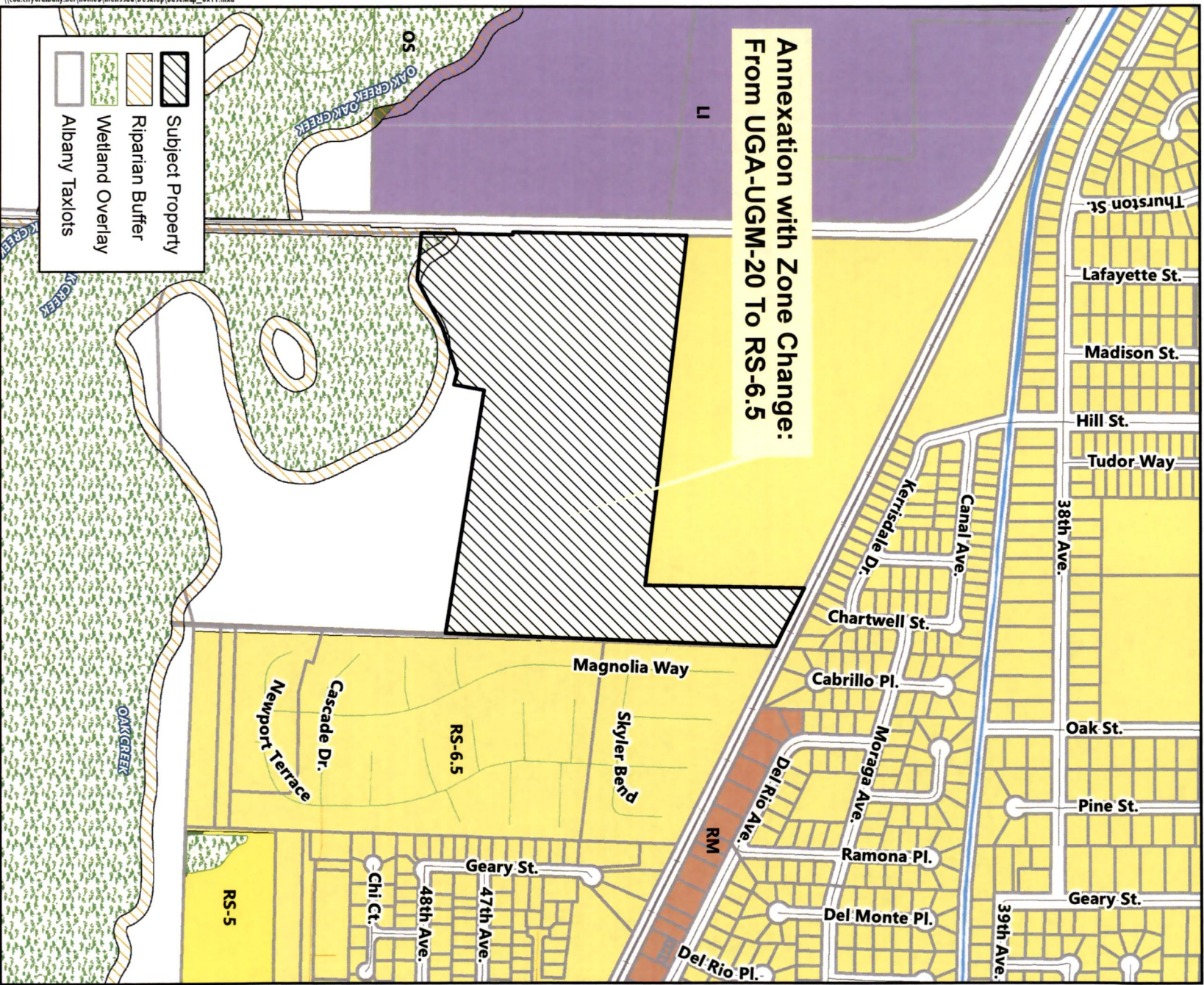
N 1050 Feet

Date: 1/26/2021 Map Source: City of Albany

Location: 3795 Lochner Road SE

City of Albany, OR

**EXHIBIT D
ATTACHMENT B**



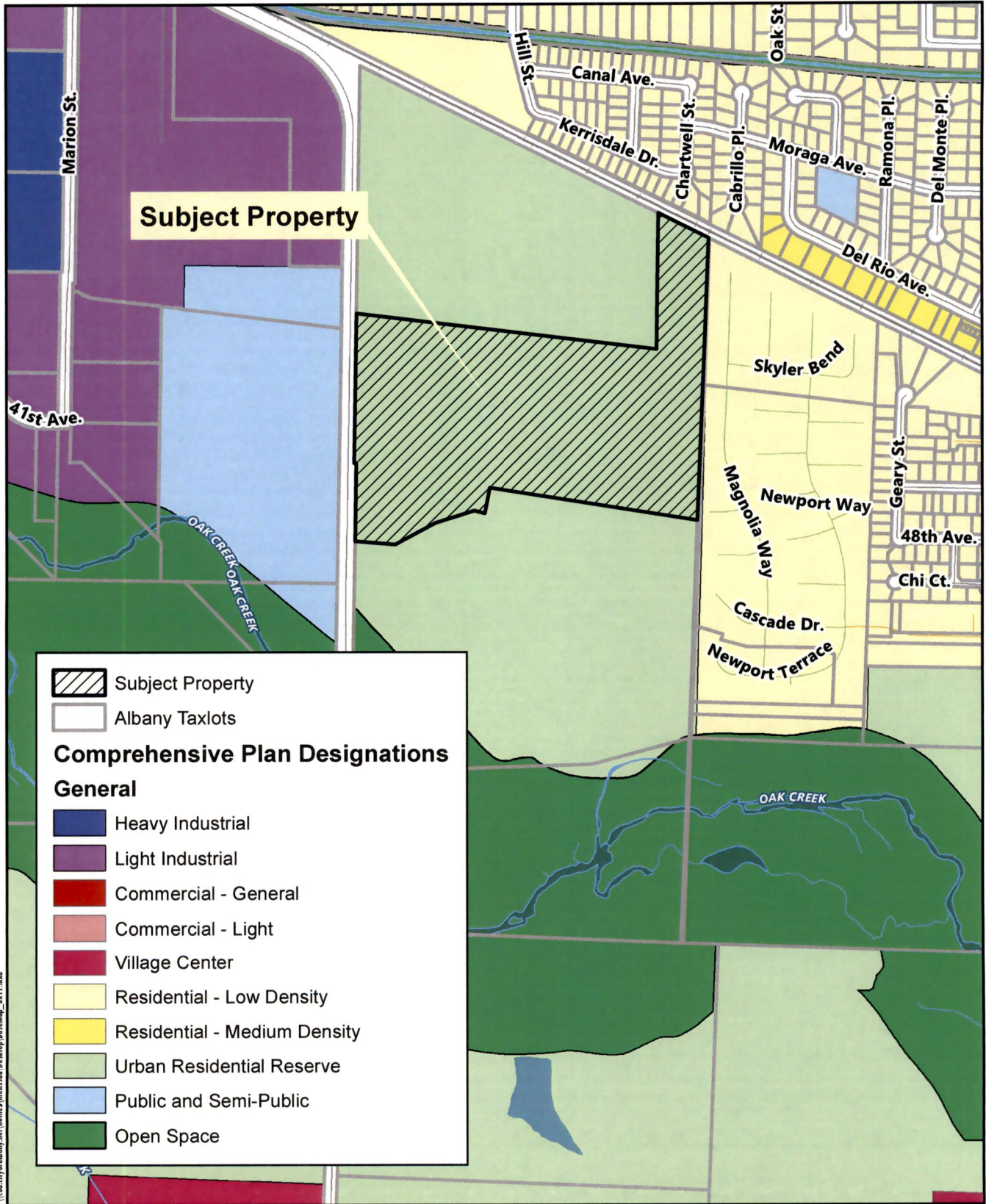
Linn County Assessor's Map No. 11S-03W-20; Tax Lot 606



Date: 2/16/2021 Map Source: City of Albany

City of Albany, OR

**EXHIBIT D
ATTACHMENT C**



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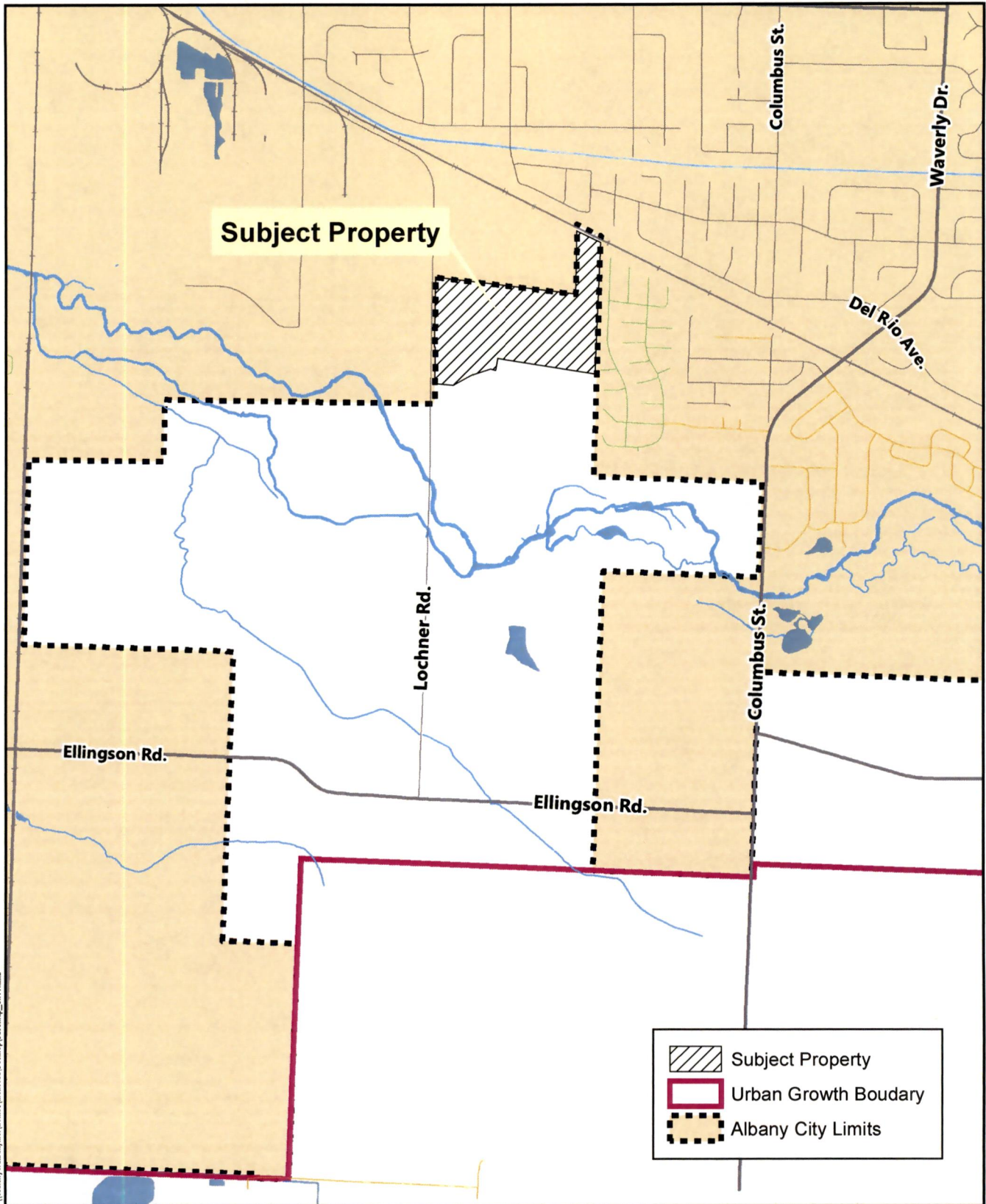
N 1050 Feet

Date: 1/26/2021 Map Source: City of Albany

Location: 3795 Lochner Road SE

City of Albany, OR

**EXHIBIT D
ATTACHMENT D**



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N 125
Feet

Location: 3795 Lochner Road SE

Date: 2/11/2021 Map Source: City of Albany

City of Albany, OR

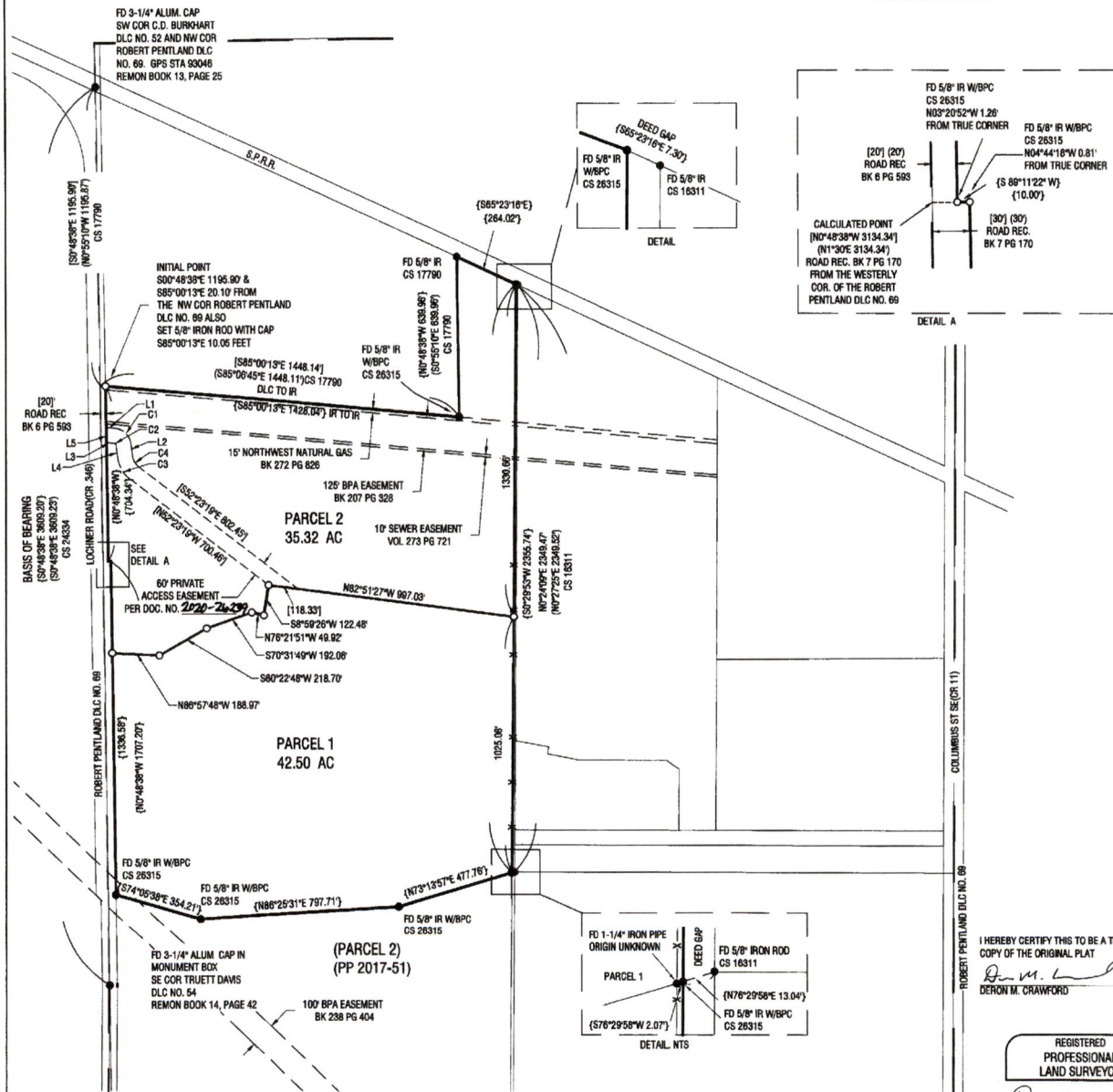


C.S. **26931**
 PARTITION PLAT NO. **2020-70**
IRVIN & LOIS GERIG TRUST

A REPLAT OF PARCEL 1 OF PP NO. 2017-51
 AN AREA OF LAND WITHIN THE ROBERT PENTLAND DLC NO. 69
 NW & SW 1/4 OF SECTION 20, T 11 S, R 3 W, W.M. &
 NE & SE 1/4 OF SECTION 19, T 11 S, R 3 W, W.M.
 LINN COUNTY, OREGON
 SURVEYED: SEPTEMBER 24, 2020

LEGEND:

- - FOUND MONUMENT AS NOTED
 - - MONUMENT SET 5/8"X3/8" IRON ROD WITH BLUE PLASTIC CAP STAMPED: "CRAWFORD 76980 LS"
 - FD - FOUND
 - IP - IRON PIPE
 - IR - IRON ROD
 - CS - COUNTY SURVEY
 - RM - RECORD SAME AS MEASURED CS 26178
 - BPC - BLUE PLASTIC CAP
 - PP - PARTITION PLAT
 - () - RECORD DATA AS NOTED
 - { } - RECORD DATA PER CS 26315 SAME AS MEASURED
 - [] - CALCULATED DATA
- REFERENCE SURVEYS: CS 26315, CS 17790, CS 16311, CS 24373, CS 24334



BASIS OF BEARING
 (S0°48'38"E 3005.20')
 (S0°48'38"E 3005.23')
 CS 24334

LINE #	BEARING & DISTANCE
L1	[S88°11'34"E 31.36']
L2	[S7°41'08"E 51.99']
L3	[N88°11'34"W 28.61']
L4	[N7°41'08"W 51.99']
L5	[N°48'38"W 60.06']

CURVE #	LENGTH	RADIUS	DELTA	CHORD
C1	[98.36']	[70.00']	[80°30'27"]	[547' 56" 20'E 90.46']
C2	[14.06']	[10.00']	[80°30'27"]	[N47' 56" 20"W 12.92']
C3	[101.43']	[130.00']	[44°42'13"]	[N30° 02' 13"W 98.88']
C4	[54.82']	[70.00']	[44°42'13"]	[S30° 02' 13"E 63.24']

NARRATIVE:

THE PURPOSE OF THIS SURVEY WAS TO PARTITION THE LAND SHOWN ON SHEET 1 AND DESCRIBED HEREON PER LINN COUNTY NOTICE OF DECISION NO. PD20-0114.

THE EXTERNAL BOUNDARY WAS HELD AS ESTABLISHED ON LINN COUNTY SURVEY NO. 26315. THE NEW DIVISION LINE BETWEEN PARCELS 1 AND 2 WERE SET AT THE REQUEST OF OUR CLIENT. THE CORNER SET ON THE WEST RIGHT-OF-WAY OF LOCHNER ROAD WAS SET BETWEEN FOUND MONUMENTS. THE CORNER SET ON THE EAST LINE WAS SET AT THE CALCULATED LINE BASED ON CS 26315. THE NORTHEAST AND SOUTH EAST CORNERS WERE NOT SURVEYED AT THIS TIME.

THE MONUMENTS SET IN CS 26315 AT THE JOG IN THE RIGHT-OF-WAY APPEAR TO BE SET INCORRECTLY. I HAVE SET THEM IN THE PROPER LOCATION ON THIS SURVEY.

THE BASIS OF BEARING IS PER CS 26315

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT

Deron M. Crawford
 DERON M. CRAWFORD

REGISTERED PROFESSIONAL LAND SURVEYOR

Deron M. Crawford
 OREGON
 JAN. 3, 2007
 DERON M. CRAWFORD
 #76980 LS
 EXPIRES: 12-31-2021

CRAWFORD, DRUMMOND & ASSOCIATES, INC.

1055 AIRWAY ROAD, BLDG B
 PO BOX 2385, LEBANON, OREGON 97355
 PH: (541) 258-8833 FAX: (541) 258-8834
 SHEET 1 OF 2 JOB: 19-03-018

C.S. **26931**
 PARTITION PLAT NO. 2020-70
IRVIN & LOIS GERIG TRUST

A REPLAT OF PARCEL 1 OF PP NO. 2017-51
 AN AREA OF LAND WITHIN THE ROBERT PENTLAND DLC NO. 69
 NW & SW 1/4 OF SECTION 20, T 11 S, R 3 W, W.M. &
 NE & SE 1/4 OF SECTION 19, T 11 S, R 3 W, W.M.
 LINN COUNTY, OREGON
 SURVEYED: SEPTEMBER 24, 2020

OWNER'S DECLARATION:

KNOW ALL PERSONS BY THESE PRESENT, THAT IRVIN L GERIG AND LOIS J GERIG, TRUSTEES OF THE IRVIN L GERIG AND LOIS J GERIG REVOCABLE LIVING TRUST ARE THE OWNERS OF THE LANDS REPRESENTED ON SHEET 1 AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR CERTIFICATE HEREON, AND HAVE CAUSED THE PARTITION PLAT TO BE PREPARED AND THE PROPERTY PARTITIONED INTO PARCELS ACCORDING TO THE PROVISIONS OF ORS 92.

Loren Gerig
 LOREN GERIG, TRUSTEE OF THE IRVIN L & LOIS J GERIG TRUST

Luan Breneman
 LUANN BRENEMAN, TRUSTEE OF THE IRVIN L & LOIS J GERIG TRUST

RECORDER'S STATEMENT:

STATE OF OREGON)
) SS
 COUNTY OF LINN)

I HEREBY CERTIFY THAT THE PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME IN THE LINN COUNTY RECORD OF PARTITION PLATS, PLAT NO. 2020-70 ON THIS 16TH DAY OF December 2020, AT 10:36 O'CLOCK AM, TARGET SHEET RECORDED IN DOCUMENT NO. 2020-26238

STEVE DRUCKENMILLER BY Jan M W Deary Clerk
 LINN COUNTY CLERK

ASSESSOR'S STATEMENT:

TAXES ON THE HEREIN DESCRIBED PROPERTY HAVE BEEN PAID AS OF THE 16TH DAY OF December, 2020.

Christopher Deary
 LINN COUNTY TAX COLLECTOR/ASSESSOR

APPROVALS:

THIS REPLAT IS SUBJECT TO TERMS AND CONDITIONS OF LINN COUNTY NOTICE OF DECISION FOR PARTITION PD20-0114.

Robert Wheeler 12/16/2020
 DIRECTOR, LINN COUNTY PLANNING AND BUILDING DEPARTMENT DATE

Thomas J Conroy 12/16/2020
 LINN COUNTY SURVEYOR DATE

SURVEYOR'S CERTIFICATE:

I, DERON M. CRAWFORD, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS THE LANDS REPRESENTED HEREON PER ORS 92, THE EXTERIOR BOUNDARY OF WHICH IS DESCRIBED AS FOLLOWS:

PARCEL 1 OF LINN COUNTY PARTITION PLAT NO. 2017-51 IN THE NORTHEAST 1/4 OF SECTION 19, TOWNSHIP 11 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, LINN COUNTY, OREGON. THE INITIAL POINT BEING THE WEST NORTHWEST CORNER OF SAID PARCEL 1.

EASEMENT OF RECORD:

THE FOLLOWING EASEMENT WAS REVEALED IN A TITLE REPORT PREPARED BY FIRST AMERICAN TITLE, TITLE NO. 7099-2888821

AN EASEMENT IN FAVOR: UNITED STATES OF AMERICA
 RECORDED: MARCH 18, 1949 IN BOOK 207 PAGE 328

AN EASEMENT IN FAVOR: UNITED STATES OF AMERICA
 RECORDED: JULY 06, 1954 IN BOOK 238 PAGE 404

AN EASEMENT IN FAVOR: NORTHWEST NATURAL GAS
 RECORDED: AUGUST 31, 1980 IN BOOK 272 PAGE 827

AN EASEMENT IN FAVOR: CONSUMERS POWER
 RECORDED: SEPTEMBER 15, 1978 IN MF VOLUME 212 PAGE 377

AN EASEMENT RECORDED: NOVEMBER 13, 1979 IN MF VOLUME 249 PAGE 795

AN EASEMENT IN FAVOR: CITY OF ALBANY
 RECORDED: OCTOBER 14, 1980 IN MF VOLUME 273 PAGE 721

AN EASEMENT IN FAVOR: CITY OF ALBANY
 RECORDED: OCTOBER 14, 1980 IN MF VOLUME 273 PAGE 724

AN EASEMENT IN FAVOR: CONSUMERS POWER
 RECORDED: JUNE 20, 1986 IN MF VOLUME 809 PAGE 982

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
 COUNTY OF LINN)

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF December, 2020, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LOREN GERIG, TRUSTEE OF THE IRVIN L GERIG AND LOIS J GERIG TRUST WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

Kristal June Drummond
 NOTARY SIGNATURE

Kristal June Drummond
 NOTARY PUBLIC - OREGON
 (PRINT NAME)

981149
 COMMISSION NO.
 MY COMMISSION EXPIRES November 19, 2022

ACKNOWLEDGEMENT:

STATE OF OREGON)
) SS
 COUNTY OF LINN)

THIS IS TO CERTIFY THAT ON THIS 15 DAY OF December, 2020, BEFORE ME A NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE, PERSONALLY APPEARED LUANN BRENEMAN, TRUSTEE OF THE IRVIN L GERIG AND LOIS J GERIG TRUST WHO ARE KNOWN TO ME TO BE THE IDENTICAL PERSON NAMED IN AND WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME FREELY AND VOLUNTARILY FOR THE USES AND PURPOSES HEREIN NAMED.

Kristal June Drummond
 NOTARY SIGNATURE

Kristal June Drummond
 NOTARY PUBLIC - OREGON
 (PRINT NAME)

981149
 COMMISSION NO.
 MY COMMISSION EXPIRES November 19, 2022

I HEREBY CERTIFY THIS TO BE A TRUE AND EXACT COPY OF THE ORIGINAL PLAT
Deron M. Crawford
 DERON M. CRAWFORD

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Deron M. Crawford
 OREGON
 JAN. 9, 2007
 DERON M. CRAWFORD
 #78890 LS

EXPIRES: 12-31-2021



1055 AIRWAY ROAD, BLDG B
 PO BOX 2385, LEBANON, OREGON 97355
 PH: (541) 258-8833 FAX: (541) 258-8834

SHEET 2 OF 2

JOB: 19-03-018

Anderson, Melissa

Subject: FW: Lochner Road - Hayden Homes Annexation - South Parcel in the UGB - Irrevocable Request to Annex

From: Joel Kalberer <jdk@wtlegal.com>

Sent: Friday, January 8, 2021 1:38 PM

To: Irish, Ron <Ron.Irish@cityofalbany.net>

Cc: pat gerig (lpgerig@gmail.com) <lpgerig@gmail.com>; LuAnn Brenneman <luannbrenneman55@gmail.com>; Damon Kluck <dkluck@Hayden-Homes.com>

Subject: Lochner Road - Hayden Homes Annexation - South Parcel in the UGB - Irrevocable Request to Annex

Mr. Irish:

I am following up on our telephone discussion today.

As you aware, this law firm represents the IRVIN L GERIG REVOCABLE LIVING TRUST, dated May 22, 1996 and the LOIS L. GERIG REVOCABLE LIVING TRUST dated May 22, 1996 (Gerig Trusts). The Gerig Trusts own the real property subject to the annexation application filed by Hayden Homes, for the property along Lochner Road. The also own adjacent property to the south within the urban growth boundary.

The City has expressed desire to have an irrevocable request to annex the parcel retained by the Gerig Trusts that will remain in the urban growth boundary. The trustees of the Gerig Trusts are willing to enter in such an agreement as outlined in the email sent by you December 18, 2020. In substance, the email outlined three avenues in which the annexation of this south parcel would be triggered:

- Any land division or adjustment that resulted in a parcel of less than 5 acres in size.
- Any land division or adjustment that resulted in more than 3 parcels sharing an access easement.
- Any land division or adjustment that resulted in the significant wetland area (SW boundary of the site) being part of parcel with less than 5 acres of non-wetland impacted developable area.

The Gerig Trusts are willing to sign the irrevocable request to annex and deliver it to you at the time of the City Council's last reading on the annexation approval. The City can record the document if the annexation is approved. If the annexation is not approved, then the City would return the request back to the Gerig Trusts.

Thank you for working through this issue with us. We look forward to moving forward with the annexation.

If you need additional information to proceed, please let me know.

Kindest Regards,
Joel D. Kalberer



130 W. 1st Ave.
P.O. Box 667
Albany, Oregon 97321
Ph: 541.926.2255
Fax 541.967.6579
www.wtlegal.com
jdk@wtlegal.com

**EXHIBIT D
ATTACHMENT F**

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

THIS IRREVOCABLE REQUEST TO ANNEX AGREEMENT is entered into this 10 day of March 2021 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:

Irvin L. Gerig Living Trust
Lois L. Gerig Living Trust

Assessor's Map No.: 11S03W20
Tax Lot No.: 000600 & 00606
Property Location: unaddressed Lochner Road

WITNESSETH:

WHEREAS, the above-listed is the owner or agent of record of the real property/record title described as follows: Parcel 1 and Parcel 2 of Partition Plat 2020-70, records of Linn County, Oregon; and

WHEREAS, Parcel 1 and Parcel 2 are both located within the Urban Growth Boundary of the City of Albany

WHEREAS, said property owner desires to Annex Parcel 2 into the City of Albany; and

WHEREAS, the city desires to establish triggers for the annexation of Parcel 1, 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**, based on any one of the following triggers;

1. Any land division or adjustment of Parcel 1 resulting in a parcel of less than five acres in size.
2. Any land division or adjustment of Parcel 1 resulting in more than three parcels sharing an access via easement, private street, common tract, or other form of access.
3. Any land division or adjustment of Parcel 1 resulting in a lot with frontage along Lochner Road containing less than five acres of non-wetland impacted area.

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

The owners, upon the occurrence of any of the above-recited triggers, hereby irrevocably petition for annexation of the above-described property to the City of Albany; and

This agreement is binding upon the undersigned Loren Gerig as Trustee of the Irvin L. & Lois L. Gerig Living Trusts, their heirs, successors, and assigns; and

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

Signed: Loren Irvin Gerig

Loren Irvin Gerig, Trustee

Signed: LuAnn Brenneman

LuAnn Brenneman, Trustee

**EXHIBIT D
ATTACHMENT F**

Representative Acknowledgment

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

Personally appeared before me Loren Irvin Gerig in their capacity as trustee of Irvin L. Gerig Living Trust on this 9 day of March, 2021 and signed and acknowledged the foregoing instrument to be their voluntary act and deed.



Jenny Skaggs
Notary Public for Oregon
My Commission Expires: 12/18/22

Representative Acknowledgment

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

Personally appeared before me LuAnn Brennehan in their capacity as trustee of Irvin L. Gerig Living Trust on this 10 day of March, 2021 and signed and acknowledged the foregoing instrument to be their voluntary act and deed.



Jenny Skaggs
Notary Public for Oregon
My Commission Expires: 12/18/22

CITY OF ALBANY, OREGON

ACCEPTED BY: _____
Staci Belcastro, City Engineer

STATE OF OREGON
County of Linn

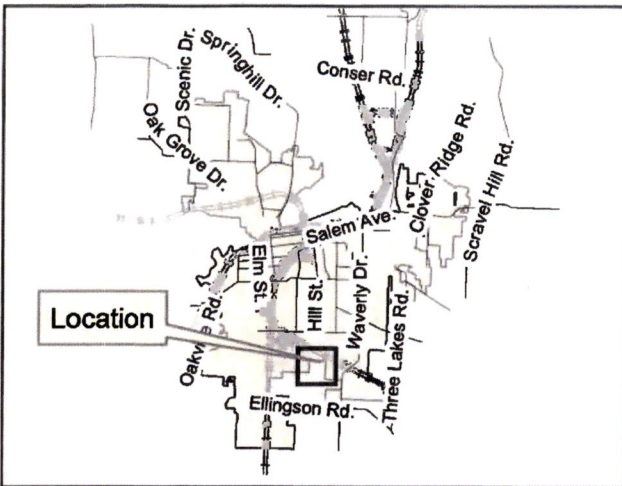
This instrument was acknowledged before me on _____, 20____ by Staci Belcastro, City Engineer of City of Albany.

Notary Public – State of Oregon

EXHIBIT A

11S03W20 00600

**Parcel 1 of Partition Plat 2020-070
subject to Irrevocable Request to Annex**



Geographic Information Services





LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

MEMORANDUM

Date: 11/27/2020

To: Melissa Anderson, AICP, PMP, CFM
Senior Planner

From: Jed Truett, AICP
Principal

**RE: Timeline Waiver for City of Albany Planning Files AN-03-20
& ZC-04-20**

Hi Melissa,

As you note in your completeness review, Albany Development Code (ADC) 2.140 requires applications for annexation with concurrent rezone to waive the 120-day deadline for a final decision.

Please consider this memo our formal request to waive the 120-day timeline for these concurrent projects.

Rgds.



Jed Truett, AICP
Principal



ATTACHMENT H.1

COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

PLANNING APPLICATION

APPLICANT/OWNER & AUTHORIZING SIGNATURES

To be included with ALL City of Albany planning submittals

Send completed application and checklist(s) to epians@cityofalbany.net

- | | | |
|---|---|--|
| <ul style="list-style-type: none"> o Adjustment (AD) o Alternative Setback o <u>Annexation (AN)</u> o Comprehensive Plan Amendment (CP) <ul style="list-style-type: none"> o Map Amendment o Map Amendment; concurrent w/zoning o Text Amendment o Conditional Use - Type II or III (circle one) <ul style="list-style-type: none"> o Existing Building: expand or modify o New Construction o Home Business (Type III only) o Development Code Text Amendment (DC) o Floodplain Development Permit (FP) o Historic Review (HI) <ul style="list-style-type: none"> o Exterior Alteration (Type I or III) o New Construction (Type III or I-I) o Demolition or Moving (Type III) o Substitute Materials (Type III) | <ul style="list-style-type: none"> o Interpretation of Code (CI) <ul style="list-style-type: none"> o Quasi-Judicial (Type II) o Legislative (Type IV) o Land Division (check all that apply) <ul style="list-style-type: none"> o Partition (PA) <ul style="list-style-type: none"> o Tentative Plat (Type I-L or III) o Final Plat (Type I) o Subdivision (SD) <ul style="list-style-type: none"> o Tentative Plat (Type III) o Final Plat (Type I) o Tentative Re plat Type I-L (RLD) o Modification – Approved Site Plan or Conditional Use o Natural Resource Boundary Refinement o Natural Resource Impact Review (NR) o Non-Conforming Use (MN) o Planned Development (PD) <ul style="list-style-type: none"> o Preliminary (Type III) o Final (Type I) o Property Line Adjustment (PLA) o Site Plan Review (SPR) <ul style="list-style-type: none"> o Accessory Building o Change of Use, Temporary or Minor Developments | <ul style="list-style-type: none"> o Manufactured Home Park o Modify Existing Development o New or Existing Parking Area Expansion o New Construction o Tree Felling o Temporary Placement (TP) o Urban Growth Boundary (UGB) o Vacation (VC) <ul style="list-style-type: none"> o Public Street or Alley o Public Easements o Variance (VR) o <u>Willamette Greenway Use (WG)</u> o <u>Zoning Map Amendment (ZC)</u> o <u>Quasi-Judicial (Type IV)</u> o Legislative (Type IV) o Other Required (check all that apply) <ul style="list-style-type: none"> o Design Standards o Hillside Development o Mitigation o Parking/Parking Lot o Traffic Report o Other _____ |
|---|---|--|

Location/Description of Subject Property(ies)

Site Address(es): 3795 Lochner Rd SE, Albany, OR 97322

Assessor's Map No(s): 11S-03W-20 Tax Lot No(s): 600

Comprehensive Plan designation: Urban Residential Res/OS Zoning designation: UGA-UGM-20

Size of subject property(ies): 77.82 acres Related Land Use Cases: _____

Project Description: Annexation and Zone Change Consistent with Comp Plan and Refinement Plan

Historic Overlay Natural Resource Overlay District Floodplain or Floodway Overlay

Applicant Information (must be signed)

Name: James Limerick/Hayden Homes, LLC Signature: LDHA Hayden Homes, LLC

Mailing Address: 2464 SW Glacier Pl #110 Date: _____

City: Redmond State: OR Zip: 97756

Phone #: _____ Fax #: _____ Email: _____

File #(s): _____ Date Fee & Application Received: _____

Pre-App File #(s): _____ Pre-App Meeting Date: _____

Amount Paid: _____ Received By: _____

**EXHIBIT D
ATTACHMENT H.2**

Property Owner Information (must be signed)

Same as Applicant Irvin L. Gerig Revocable Living Trust and Lois L. Gerig Revocable Living trust,
Name: _____ Signature: _____
Mailing Address: _____ Date: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Fax #: _____
Email: _____

Authorized Agent or Representative (must be signed, if applicable)

Choose One: Engineer Architect Other Planner
Name: Jed Truett/Metro Planning Signature: Jed Truett
Digitally signed by Jed Truett
DN: cn=Jed Truett, o=, email=jed@metroplanning.com,
c=US
Date: 2023.11.29 09:26:41 -0700
Mailing Address: 846 A Street Date: _____
City: Springfield State: OR Zip: 97477
Phone #: 541-302-9830 Fax #: _____
Email: jed@metroplanning.com
Relationship to property owner(s): _____

Electronic Plans Representative (if different from applicant)

IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES
Choose One: Engineer Architect Other _____
Name: _____ Signature: _____
Mailing Address: _____ Date: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Fax #: _____
Email: _____

Other Representative (must be signed, if applicable)

Choose One: Engineer Architect Other _____
Name: _____ Signature: _____
Mailing Address: _____ Date: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Fax #: _____
Email: _____

ATTACHMENT H.3

Property Owner Information (must be signed)

Same as Applicant Irvin L. Gerig Revocable Living Trust and Lois L. Gerig Revocable Living trust,
Name: _____ Signature: _____
Mailing Address: _____ Date: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Fax #: _____
Email: _____

Authorized Agent or Representative (must be signed, if applicable)

Choose One: Engineer Architect Other Planner
Name: Jed Truett/Metro Planning Signature: _____
Mailing Address: 846 A Street Date: _____
City: Springfield State: OR Zip: 97477
Phone #: 541-302-9830 Fax #: _____
Email: jed@metroplanning.com
Relationship to property owner(s): _____

Electronic Plans Representative (if different from applicant)

IF MORE THAN ONE, PROVIDE THE FOLLOWING INFORMATION FOR EACH; THEY WILL BE SENT ALL CITY NOTICES
Choose One: Engineer Architect Other _____
Name: _____ Signature: _____
Mailing Address: _____ Date: _____
City: _____ State: _____ Zip: _____
Phone #: _____ Fax #: _____
Email: _____

Other Representative (must be signed, if applicable)

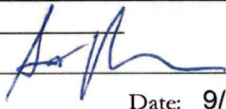
Choose One: Engineer Architect Other _____
Name: Scott Morris Signature:  _____
Mailing Address: 380 Q Street, Ste 200 Date: 9/16/2020
City: Springfield State: OR Zip: 97477
Phone #: (541) 302-9790 Fax #: _____
Email: scottmorris@ao-engr.com

EXHIBIT D
ATTACHMENT H.4



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

Meadowlark Project Annexation

Proposal:	Annexation of 35.93 acres with access off of Lochner Road
Property Owner:	Loren Gerig and LuAnn Brenneman, Trustees of the Gerig Trust; Irvin and Lois Gerig Revocable Living Trust
Applicant:	James Limerick/Hayden Homes, LLC
Address/Location:	3795 Lochner Road SE
Map/Tax Lot:	Linn County Assessor's Map No 11S-03W-20; Portion of Tax Lot 600
Zoning:	Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan:	Urban Residential Reserve/Open Space
Total Land Area:	35.93 acres – northerly portion of PP 2017-051 Parcel 1/Tax Lot 600

Background

This annexation proposal is consistent with the City of Albany Comprehensive Plan and the South Albany Area Plan (SAAP), both of which designate this property as appropriate for low-density residential development. The applicant proposes not only to annex but to subdivide and extend City infrastructure through this site to facilitate development of other adjacent vacant and developable parcels in the area. The future subdivision will be designed to encourage the preservation of open space and connectivity through the site. A concurrent zone change to RS-6.5 zoning is being submitted as well.

The relevant criteria for annexation is listed below in italics. The Applicant's response is in plain text. Relevant images are also included for clarity.

Review Criteria

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

Eligibility Criteria (ADC 2.110)

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*

ATTACHMENT H.5

The subject property is contiguous to the existing Albany city limits on the east, north and west boundaries. See attached **Exhibit A** for the relationship between the subject property and the Albany city limits and Urban Growth Boundary:

- (b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.

See the map in **Exhibit A** for the relationship between the subject property and the Albany city limits and Urban Growth Boundary:

Legal Description

Provide a legal description of the property and a map of the area to be annexed showing contiguous City territory and the existing Urban Growth Boundary.

The legal description of the property to be annexed is included as attached **Exhibit B**.

Timeliness Criteria

The City shall determine that it is timely to annex property based on the following criteria:

- (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 another funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.*

Police, Fire and other City-provided services are available to this site. Sanitary Sewer and storm are available in Lochner Road as is water. See the site plan on **Exhibit C** for the current location of infrastructure adjacent to the site.

Future extension of infrastructure through this site will occur as the property is further subdivided. The location and nature of this extension will occur under

ATTACHMENT H.6

guidance from the City staff and the South Albany Area Plan (SAAP) and will manifest itself as conditions of approval for the upcoming subdivision.

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 so 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.

The subject property has already been vetted for inclusion in the City of Albany. Preliminary zoning designations have also been provided showing the area suitable for low-density residential and open space, and a concurrent rezone process to further refine the zoning is being submitted. The area has been fully planned out through the South Albany Area Plan (SAAP), which not only shows the area as planned for low density residential development, but also dictates to a degree how the streets and other infrastructure will be laid out in the immediate area.

Reasonableness Criteria.

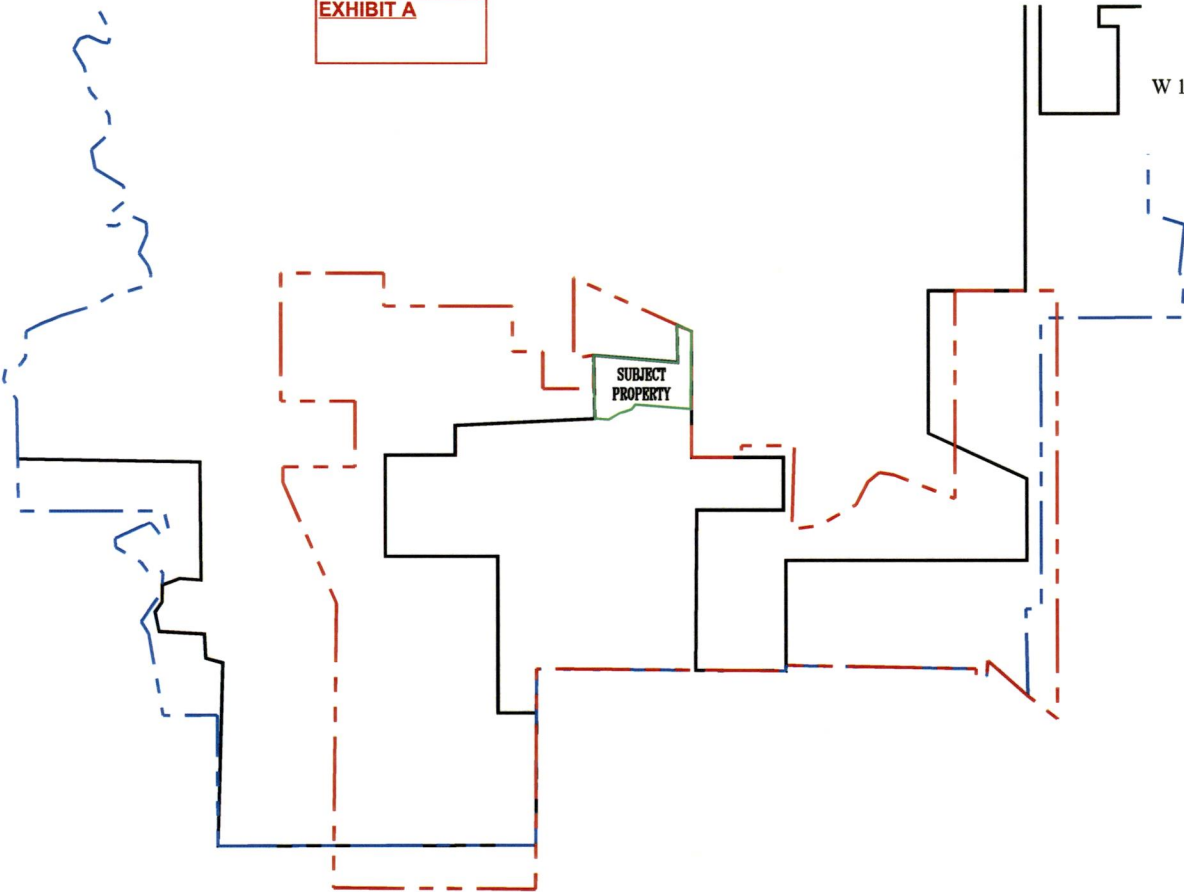
The City shall determine that it is reasonable to annex the property.

Both the Albany Comprehensive Plan and the South Albany Area Plan (SAAP) recognize that the subject parcel is a ready and willing participant in the development low-density residential housing. The legwork through the planning process has already been done (SAAP most recently updated in 2013) in order to prepare vacant, unannexed land in this area for annexation and subsequent development. Annexation of this property in particular passes the reasonableness test.

EXHIBIT A

VICINITY MAP

FOR
3795 LOCHNER ROAD SE
W 1/2, SECTION 20, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.
ALBANY, LINN COUNTY, OREGON
DATE PREPARED: SEPTEMBER 2020



NOT TO SCALE

- CITY LIMITS
- - - UGB
- SUBJECT PROPERTY
- - - SOUTH ALBANY STUDY AREA



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 20-001C

EXHIBIT B



LAND SURVEYING

PO Box 2385 Lebanon, OR 97355 Phone: 541.258.8833

Annexation Legal

Parcel 2 of Linn County Partition Plat no. 2020-70 in the Northwest and Southwest 1/4 of Section 20 and Northeast and Southeast 1/4 of Section 19, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon.

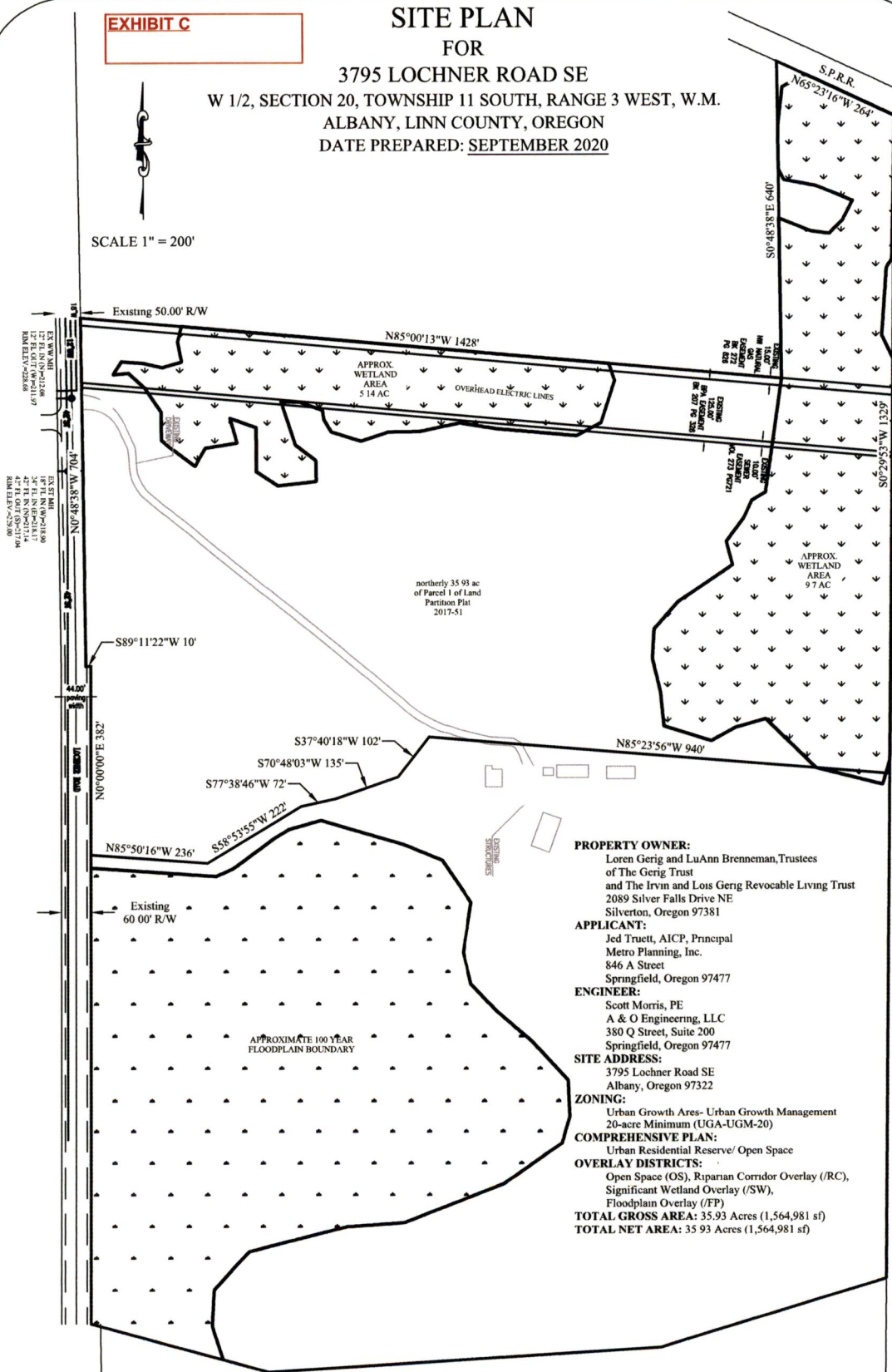
Containing 35.32± Ac



EXHIBIT C

**SITE PLAN
FOR
3795 LOCHNER ROAD SE
W 1/2, SECTION 20, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.
ALBANY, LINN COUNTY, OREGON
DATE PREPARED: SEPTEMBER 2020**

SCALE 1" = 200'



PROPERTY OWNER:
Loren Gerig and LuAnn Brenneman, Trustees
of The Gerig Trust
and The Irvin and Lois Gerig Revocable Living Trust
2089 Silver Falls Drive NE
Silverton, Oregon 97381

APPLICANT:
Jed Truett, AICP, Principal
Metro Planning, Inc.
846 A Street
Springfield, Oregon 97477

ENGINEER:
Scott Morris, PE
A & O Engineering, LLC
380 Q Street, Suite 200
Springfield, Oregon 97477

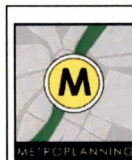
SITE ADDRESS:
3795 Lochner Road SE
Albany, Oregon 97322

ZONING:
Urban Growth Area- Urban Growth Management
20-acre Minimum (UGA-UGM-20)

COMPREHENSIVE PLAN:
Urban Residential Reserve/ Open Space

OVERLAY DISTRICTS:
Open Space (OS), Riparian Corridor Overlay (/RC),
Significant Wetland Overlay (/SW),
Floodplain Overlay (/FP)

TOTAL GROSS AREA: 35.93 Acres (1,564,981 sf)
TOTAL NET AREA: 35.93 Acres (1,564,981 sf)



VICINITY MAP

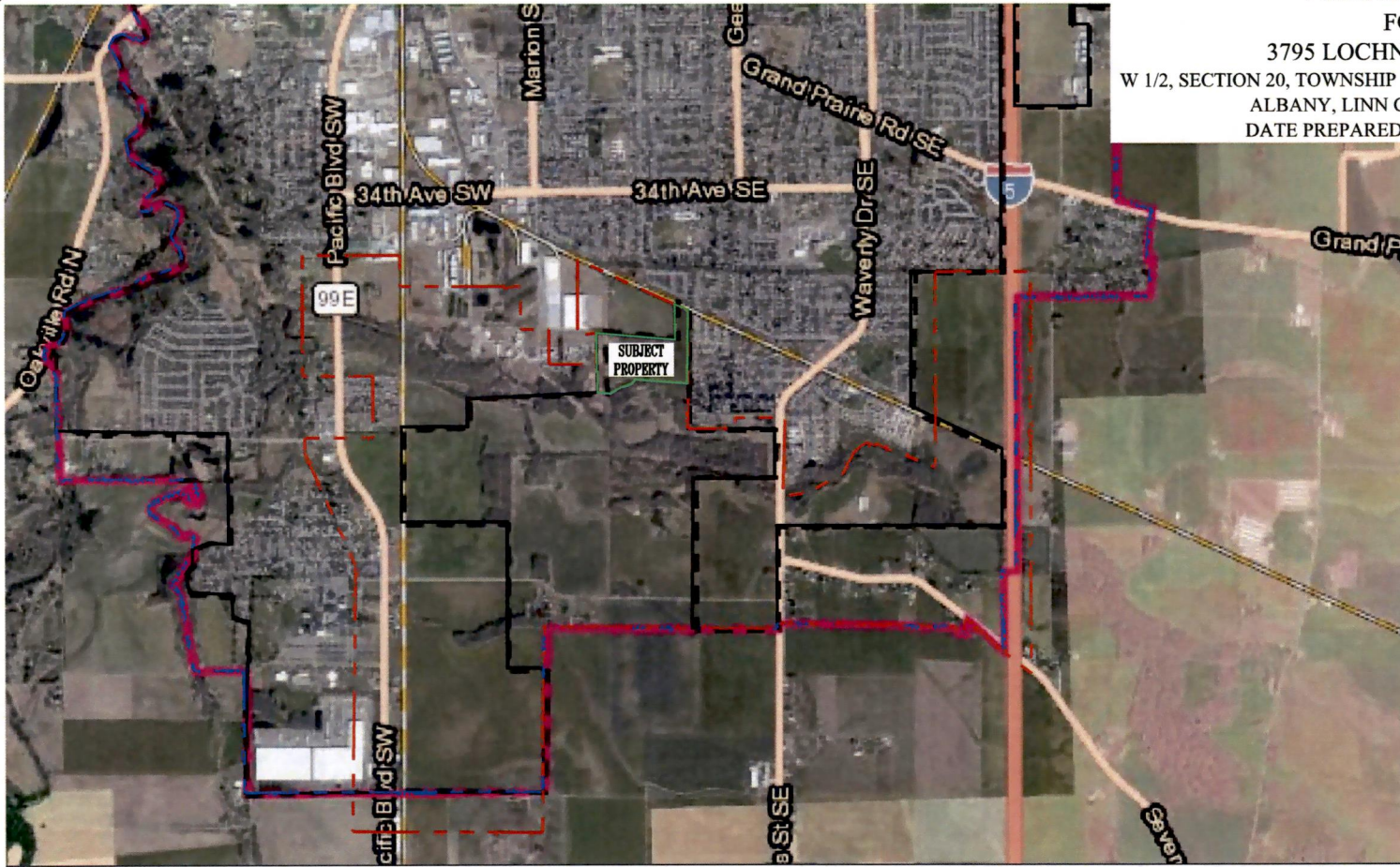
FOR

3795 LOCHNER ROAD SE

W 1/2, SECTION 20, TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

ALBANY, LINN COUNTY, OREGON

DATE PREPARED: SEPTEMBER 2020



- CITY LIMITS
- - - UGB
- SUBJECT PROPERTY
- - - SOUTH ALBANY STUDY AREA



METRO PLANNING, INC

846 A STREET
SPRINGFIELD, OR. 97477
541-302-9830
JOB NO. 20-001C



LAND USE PLANNING AND CONSULTING SERVICES

846 A STREET
SPRINGFIELD, OREGON 97477
(541) 302-9830
WWW.METROPLANNING.COM

Meadowlark Project Zone Change

Proposal:	Zone Change of 35.93 acres with access off of Lochner Road
Property Owner:	Loren Gerig and LuAnn Brenneman, Trustees of the Gerig Trust; Irvin and Lois Gerig Revocable Living Trust
Applicant:	James Limerick/Hayden Homes, LLC
Address/Location:	3795 Lochner Road SE
Map/Tax Lot:	Linn County Assessor's Map No 11S-03W-20; Portion of Tax Lot 600
Zoning:	Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)
Comprehensive Plan:	Urban Residential Reserve/Open Space
Total Land Area:	35.93 acres – northerly portion of PP 2017-051 Parcel 1/Tax Lot 600

Background

The proposed zone change is to RS-6.5 from UGA-UGM-20. The Comprehensive Plan shows the subject property as Urban Residential Reserve. ADC 2.760 states that RS-6.5 is a compatible zoning district with Urban Residential Reserve, so a plan amendment is not needed.

Zoning Map Amendment Review Criteria (ADC 2.740): (see compatibility matrix at ADC 2.760)

- 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.***

The South Albany Area Plan (SAAP) further refines the Comprehensive Plan for this part of town. That plan document shows the area as appropriate for low density residential development. See detail from the SAAP (**Exhibit A** below) with our site highlighted.

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

The City amended the Transportation Systems Plan (TSP) in 2013 to accommodate changes in the South Albany Area Plan (SAAP) (which assumed that the subject property would be developed in the future as low-density residential). Associated improvements to Ellsner Road to the south and the Lochner Road intersection will help address City growth as it expands south of this site. In the inverse the TSP updates included removal of a proposed street through the subject parcel (Lochner-Columbus connector). In short, an entire planning process was dedicated to planning this part of town for low-density residential development and the planning of future transportation facilities was a significant part of that process. Accordingly the current request is consistent with the planned transportation infrastructure in the area.

Exhibit B below is excerpted from the SAAP and shows the future plan for the area. Our site is highlighted. **Exhibit C** on the subsequent page shows transportation improvements planned for this area in general.

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

It is presumed that when the City went through the comprehensive planning and refinement planning process that the resulting low-density residential designation was consistent with the existing infrastructure in the area or could be accommodated through the orderly extension of infrastructure through low-density subdivision development (such as will occur on this site).

The SAAP states:

Overall, the emphasis is on flexibility, public-private co-investment in infrastructure, and an opportunity-driven approach to infrastructure funding. Rather than making significant public investments in infrastructure in the area and hoping to attract appropriate adjacent development, this strategy calls for investments in public infrastructure to be made concurrently with private development, and in response to market conditions.

A subdivision application will be the next step in development of this site. During the subdivision process the City will have the option to evaluate the existing system (which includes sanitary sewer, storm sewer and water in Lochner Road) and decide whether the existing infrastructure has sufficient capacity for the project or whether upgrades will be needed.

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

The intent and purpose of the RS-6.5 zoning district is primarily for low-density urban single-family residential development. The average minimum lot size is 6,500 square feet.

This is consistent with the goals and policies in Chapter 4 (Housing) of the Comprehensive Plan as follows:

GOALS

Provide a variety of development and program opportunities that meet the housing needs of all Albany's citizens. Create a city of diverse neighborhoods where residents can find and afford the values they seek. [Ord. 5667, 4/25/2007]

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens.

POLICIES

General

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

The zone change will be consistent with this policy by converting this land to a higher density residential zoning.

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

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens.

3. *Encourage innovation in housing types, densities, lot sizes and design to promote housing alternatives. Examples include:*
 - a. *Attached single-family housing and condominium ownership opportunities in the Waterfront zoning district*
 - b. *The adaptive reuse of the upper floors of structures within the Downtown Business District for residential purposes.*
 - c. *Mixed housing types and price ranges at a minimum of ten units per acre in Village Center Comprehensive Plan districts.*
 - d. *Neighborhoods with a variety of lot and housing sizes and types.*
 - e. *Accessory dwelling units.*
 - f. *Other actions directed at reducing housing costs which conform to the Comprehensive Plan, including innovative Development Code regulations. [Ord. 5667, 4/25/2007]*

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens.

The proposal itself will be innovative in that it will transfer density to smaller lots and leave large areas of open space for the enjoyment of the future residents of the subdivision. It is likely pedestrian path connections will also be included through the open space areas. The smaller lots will allow for more affordable housing types.

4. *Encourage residential development that conserves energy and water; uses renewable resources; and promotes the efficient use of land, conservation of natural resources, easy access to public transit, and easy access to parks and services. [Ord. 5667, 4/25/2007]*

As noted in Policy 3 above, there will be ample open space set aside with the future subdivision on this property, so conservation of natural resources (wetland and riparian) will occur. The compact development on smaller lots (via density transfer) will also minimize the individual use and home footprints and promote efficient use of land and promote conservation in general. Pedestrian paths and existing and proposed streets will provide access to public facilities.

5. *Encourage the use of Cluster and Planned Unit Developments to:*
 - a. *Promote architecturally appealing and functional land use design.*
 - b. *Allow flexibility in the placement and uses of buildings, recreation areas, open spaces, streets, utilities, and off-street parking areas.*
 - c. *Effectively utilize special site features including natural characteristics, location, view, topography, size or shape of parcels.*
 - d. *Maintain a development pattern that is compatible with the surrounding area as determined by the Comprehensive Plan designation.*

As discussed above the subdivision that will be proposed on this site will cluster development into smaller parcels to help preserve natural wetland and riparian features on-site. This will be done in a manner that is consistent with the RS 6.5 zoning district and compatible with other like-zoned properties in the area.

6. *Encourage residential development on already serviced vacant residential lots or in areas where services are available or can be economically provided.*
Comprehensive Plan 4-12 October 2007

Sanitary sewer, storm sewer and other city services are already in Lochner Road adjacent to the subject parcel, so this Policy is met.

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

The RS 6.5 zoning is the type of zoning anticipated by the Comprehensive Plan (which shows the subject property zoning as Urban Residential Reserve) and Albany Code section 2.760 which states that RS-6.5 is a compatible zoning district with Urban Residential Reserve. The City further refined this area in the

South Albany Area Plan (SAAP), shows the area as appropriate for low density residential development. It is presumed that sufficient capacity in public services is available or can be conditions in a subdivision application on a pro-rata basis if they don't already exist.

8. *Encourage the development of great neighborhoods by:*
 - a. *Supporting neighborhood identity.*
 - b. *Locating parks, trails, schools, daycare and churches in close proximity to residences.*
 - c. *Incorporating natural features and spaces into developments.*
 - d. *Connecting and orienting new neighborhoods to Village Centers. [Ord. 5667, 4/25/2007]*

The subdivision that will be submitted after this zone change will incorporate natural features (wetland and riparian areas) into the design and will likely also have pedestrian connections that will benefit the neighborhood. Elements of this policy will be met.

9. *Encourage new residential developments to provide housing choices that allow for persons to stay within their neighborhoods ("age in place") as their housing needs change. [Ord. 5667, 4/25/2007]*

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. It will be up to individual homeowners as to whether they want to stay in the neighborhood their entire lives or "trade up," but at least the proposed subdivision will provide the opportunity for the former.

...

12. *Encourage the development of housing with quality craftsmanship and amenities to attract new business as well as keep local business executives within the community.*

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. This will serve an important economic function by allowing new and existing businesses to provide housing for their workers.

...

14. *Encourage a mix of housing types and residential densities within the Urban Residential Reserve area which conform to the population and density projections adopted by the City of Albany and where infrastructure is available or can be made available.*

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. Via density transfer appropriate densities will be achieved while preserving natural features and providing natural open space amenities to the residents of

the subdivision. The subdivision will also function to provide orderly and efficient extension of existing infrastructure (currently adjacent to the site) through the site so that other larger adjacent parcels can be effectively served when they develop.

15. Encourage the removal of barriers to safe neighborhoods, such as vacant lots and buildings, and overgrown vegetation. [Ord. 5667, 4/25/2007] Affordable and Special Needs Housing

The subdivision that will be proposed after this zone change will convert a vacant lot to a residential neighborhood. This policy will be achieved.

16. Encourage the development of affordable housing in a range of types and appropriate sizes to meet Albany's housing needs. Examples include accessory apartments, manufactured housing, and attached single-family houses. [Ord. 5667, 4/25/2007]

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. This policy will be met.

17. Recognize groups needing specialized housing such as the elderly, handicapped, homeless, and other disadvantaged groups when identifying housing programs and opportunities.

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. Further, the infrastructure will be new infrastructure, and will meet ADA and other standards that don't always exist in older neighborhoods. This policy will be addressed by the future proposed subdivision.

...

19. Comply with federal, state, and local fair housing laws and policies that affirm access to housing opportunities for all persons in Albany.

The subdivision that will be proposed after this zone change will be consistent with this goal by providing entry level housing opportunities for Albany's citizens. Such a project by its nature will be consistent with federal, state and local fair housing laws that seek to provide access to housing opportunities for all.

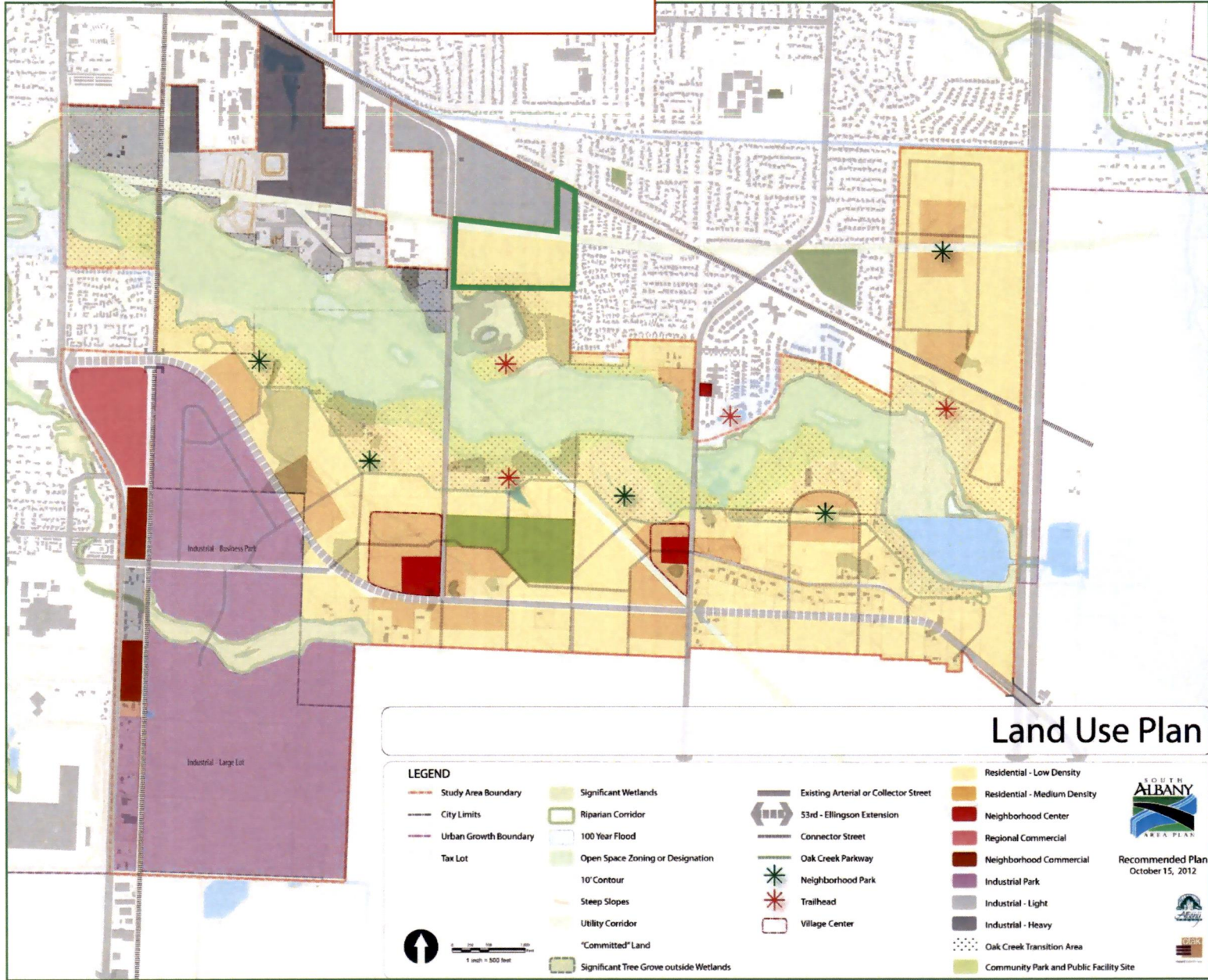
5. The land use and transportation pattern recommended in any applicable City-contracted or funded land use or transportation plan or study has been followed

Transportation and Land Use have been addressed in earlier sections and below in **Exhibits B and C** and will be more relevant once there is a subdivision proposal submitted for review. This application is just for a zone change, and to

EXHIBIT D
ATTACHMENT H.17

that extent the request is consistent with Transportation and Land Use documents and rules as indicated above.

EXHIBIT A



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Note: The precise location and alignment of streets is intended to be flexible, and may vary in response to the location of natural features.

Disclaimer: The information shown on this is derived from GIS data created and acquired by ORA, Inc. and from government and private agencies. This data is not to be surveyed and is not intended for planning purposes only.

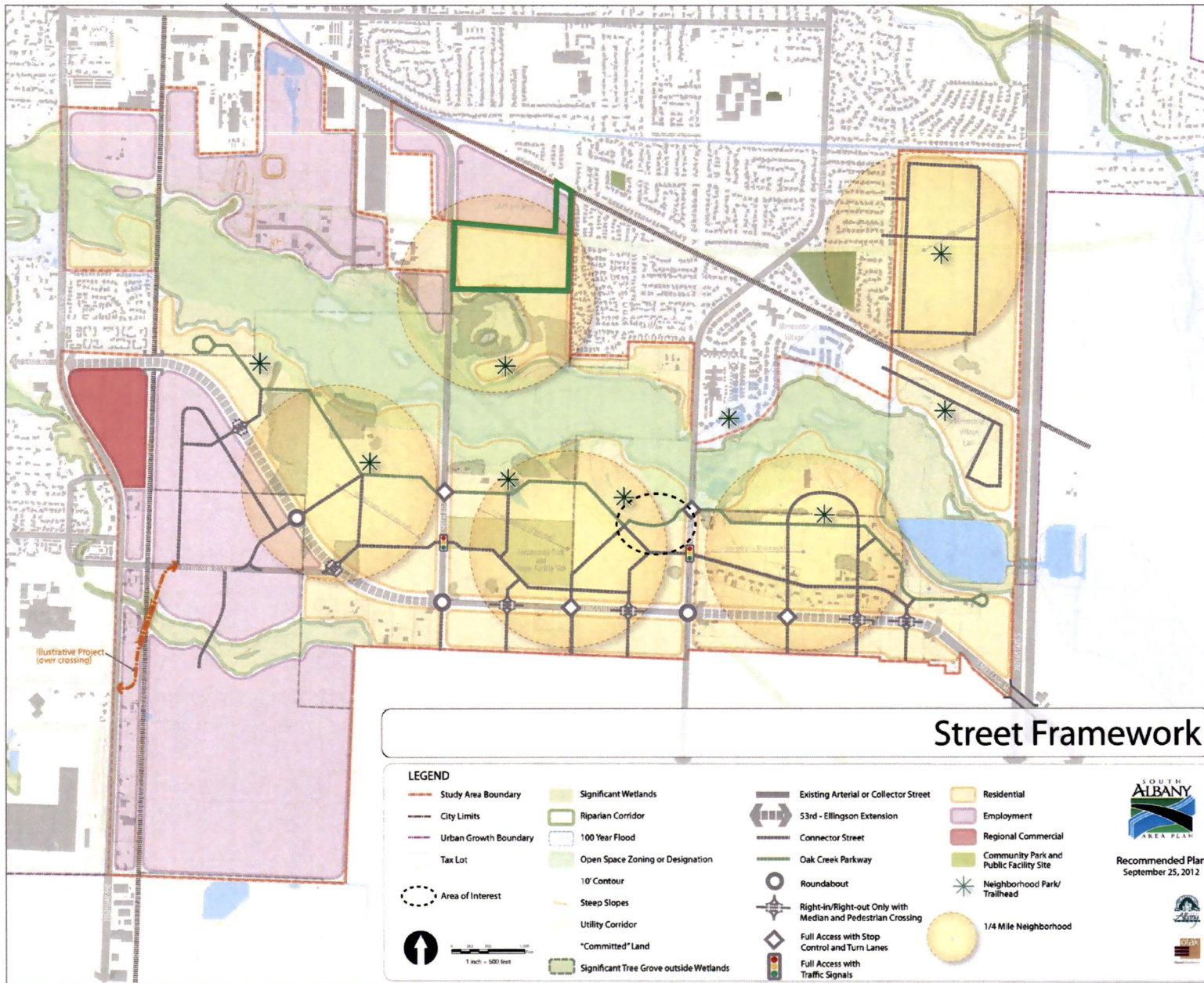
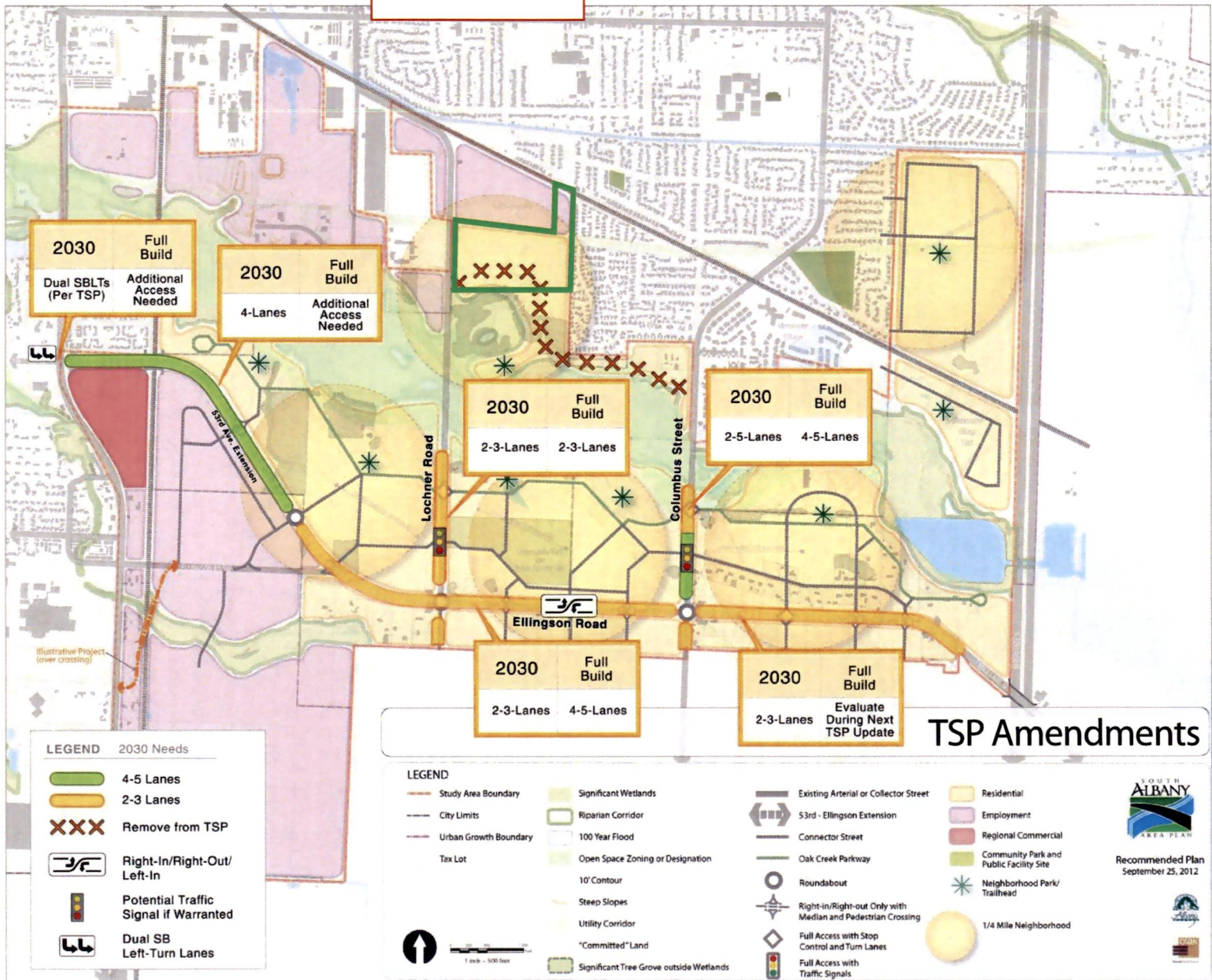


EXHIBIT C



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Note: The precise location and alignment of Connector Streets is intended to be flexible, and may vary in response to the location of natural features.

Disclaimer: The information shown on this map is unaudited. GIS data created and owned by Clark Co. and State government and private agencies. This data is not to be used without the written consent of planning personnel only.

EXHIBIT D
ATTACHMENT H.20

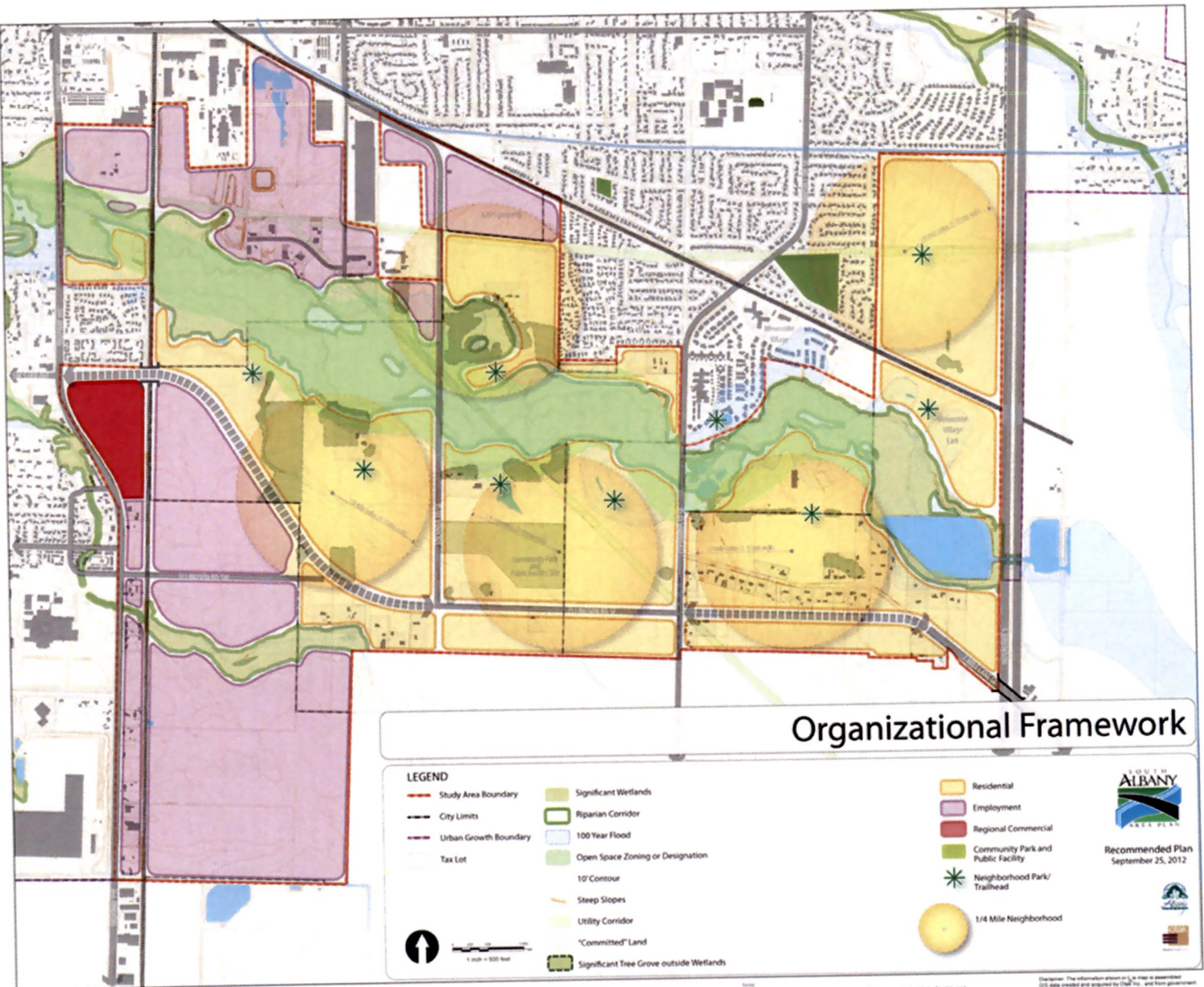


Figure 1. Organizational Framework

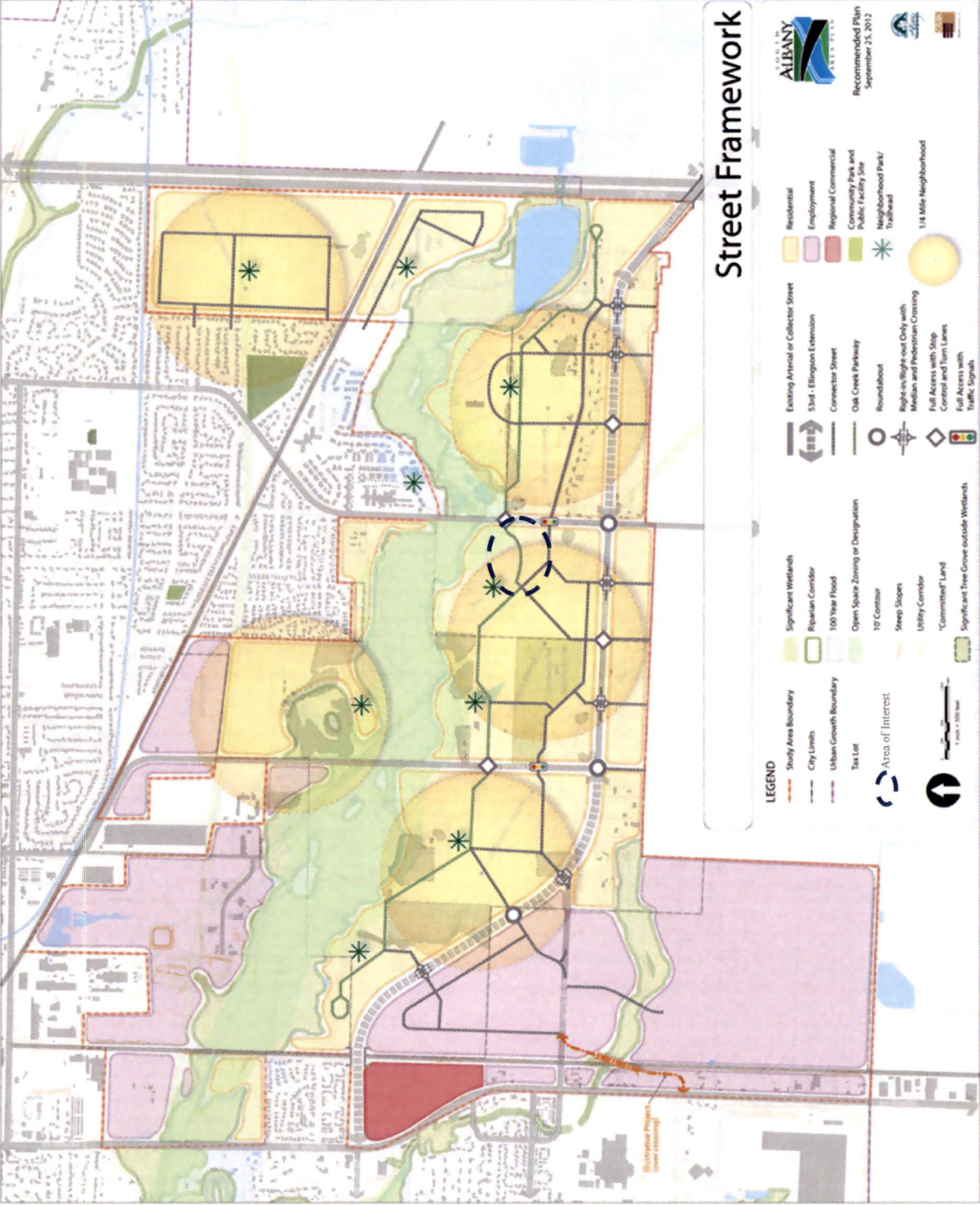


Figure 2. Street Framework

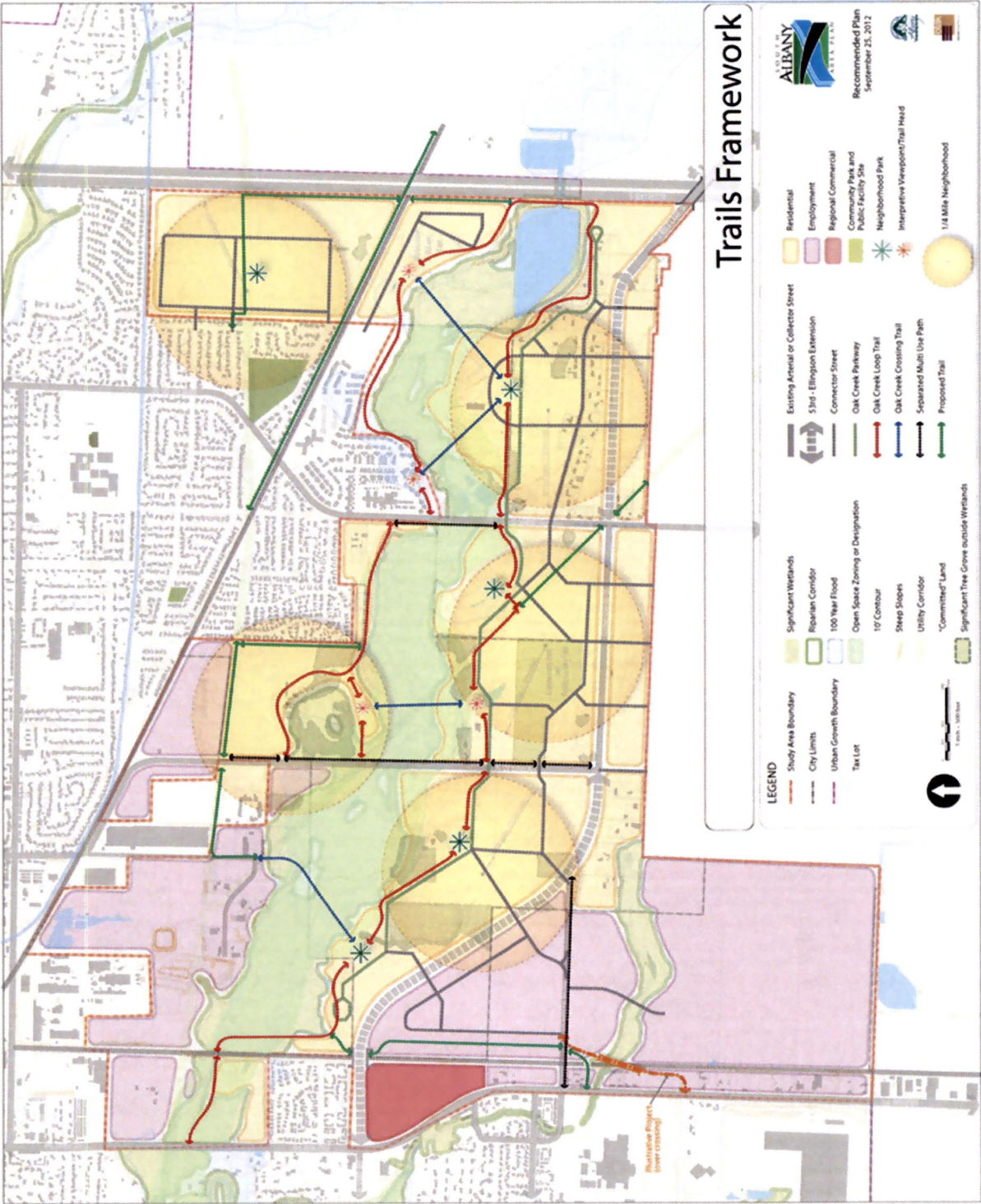


Figure 3. Trails Framework

**EXHIBIT D
ATTACHMENT I.5**

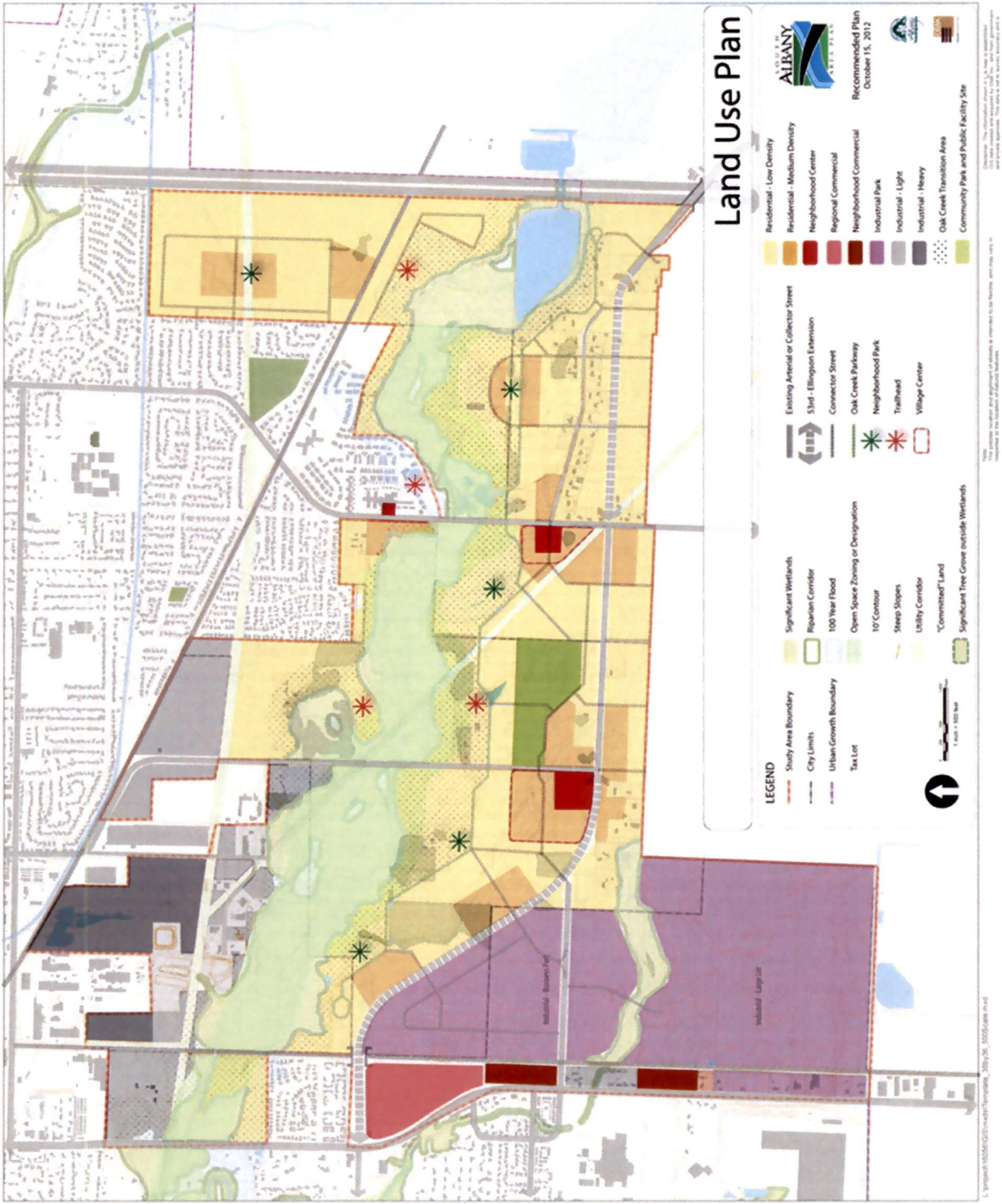


Figure 5. Land Use Plan