

ALBANY CITY COUNCIL AGENDA

Wednesday, January 10, 2024
6:00 p.m.

Council Chambers, City Hall
333 Broadalbin Street SW

Watch on YouTube: <https://www.youtube.com/user/cityofalbany>

Please help us get Albany's work done.

Be respectful and refer to the rules of conduct posted by the main door to the Chambers and on the website.

1. Call to order and pledge of allegiance
2. Roll call
3. Mayor's message
4. Special presentations
 - a. Relay for Life – Kimberly Dammon [Verbal]
5. Public hearings

Persons wanting to provide testimony during public hearings at city council meetings may:

 - 1- *Email written comments to the staff contact, listed below, including your name and subject of the public hearing, before **noon on the day of the meeting**.*
 - 2- *To testify virtually during the public hearing, register by emailing the staff contact, listed below, before **noon on the day of the meeting**, with your name; phone number; and if you are speaking for, against, or neutral on the project/subject. The mayor will call upon those who have registered to speak.*
 - 3- *Appear in person at the meeting and register to speak using the sign-up sheet on the table.*
 - a. Irrevocable request annexations (AN-03-23 and ZC-06-23) – David Martineau [Pages 3-123]

The staff contact for this public hearing is: david.martineau@albanyoregon.gov

 - 1) Ordinance proclaiming annexation of properties ORD NO. _____ p. 5
 - 2) Ordinance withdrawing territory from the Albany Rural Fire Protection District
ORD NO. _____ p. 103
6. Business from the public
7. First reading of ordinances
 - a. Amend Albany Municipal Code chapter 2.66 Procurement – Diane Murzynski [Pages 124-129]
ORD NO. _____ p. 126
8. Adoption of resolutions
 - a. Clarifying parks system development charges for accessory dwelling units and multi-family units -
Kim Lyddane [Pages 130-131] RES NO. _____ p. 131

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9. Adoption of consent agenda
 - a. Appointments [Pages 132-161]
 - 1) Accepting Sonja Neperud's resignation from the Planning Commission
 - 2) Various annual appointments
 - b. Approval of minutes [Pages 162-169]
 - 1) December 11, 2023, work session
 - 2) December 13, 2023, meeting
 - c. Recommendations to OLCC [Page 170-171]
 - 1) Approve new outlet off premises, liquor license application for US Smoke Shop LLC
 - 2) Approve additional privilege liquor license application for Veracity Spirits LLC, dba Waterhill Wines
 - d. Adoption of resolutions
 - 1) Appointing Municipal Judge Pro Tems [Page 172] RES NO. _____ p. 172
 - 2) Public sanitary sewer easement (SI-23-16) [Pages 173-178] RES NO. _____ p. 173
 - e. Grant application
 - 1) Oregon Department of Transportation safety division grant [Page 179]

MOTION: _____

10. Staff reports
 - a. Park asset sponsorship and naming opportunities – Kim Lyddane [Verbal]
 - b. Curt Sorte modification of access/utility easement through city property – Matthew Ruetters [Pages 180-186] MOTION _____
 - c. Personnel change requests in the Finance Department – Casey Headley [Pages 187-188] MOTION _____
11. Business from the council
12. City manager report
13. Next meeting dates
Monday, January 22, 2024; 4:00 p.m. work session
Wednesday, January 24, 2024; 6:00 p.m. meeting
14. Adjournment



This meeting is accessible to the public via video connection. The location for in-person attendance is accessible to people with disabilities. If you have a disability that requires accommodation, please notify city staff at least 48 hours in advance of the meeting at: cityclerk@cityofalbany.net.


Testimony provided at the meeting is part of the public record. Meetings are recorded, capturing both in-person and virtual participation, and are posted on the City website.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager  1/2
Matthew Ruettgers, Community Development Director 

FROM: David Martineau, Current Planning Manager 

DATE: December 28, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Irrevocable Request Annexations (Planning Files AN-03-23 and ZC-06-23)

[Relates to Strategic Plan theme](#) | [Relates to: Great Neighborhoods](#)

Action Requested:

Staff requests that city council hold a public hearing and take action on the two attached ordinances that would annex properties subject to irrevocable requests to annex and remove the properties from the Albany Rural Fire Protection District (ARFPD).

Discussion:

On January 10, 2024, the city council will hold a public hearing to consider annexing properties subject to irrevocable requests to annex and remove the properties from the ARFPD. Proposed zoning is as follows:

- 4580 & 4610 Knox Butte Road: UGA-UGM-20 to RS-6.5
- 3525 & 3605 Circle Drive SE: UGA-RR-1 to RM
- 3545 & 3815 Spicer SE: UGA-RR-1 to RS-6.5
- 488 Goldfish Farm Road SE: UGA-UGM-5 to RS-6.5
- 937 Goldfish Farm Road SE: UGA-UGM-20 to RM
- 2958 53rd Avenue SW: UGA-UGM-20 to OS (west half) & RS-6.5 (east half)

This request also includes rights-of-way inadvertently not annexed when adjacent property was annexed. Specifically, segments of Goldfish Farm Road, Century Drive, Interstate 5, Santiam Highway, and 53rd Avenue.

The criteria for annexations 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 detail in the staff report, which is provided as Exhibit D in the attached ordinance.

Annexations and zoning map amendments are reviewed through the Type IV land use application process, which requires the planning commission to review and make a recommendation to the city council, who will also review the proposed amendments and make the final decision. The planning commission held a public hearing on December 4, 2023, and unanimously voted to recommend the city council approve the proposed annexations with zoning map amendments as outlined in the November 27, 2023, staff report. Two separate ordinances are included in the attachments: one for the annexations with zone changes, and one for removing the property from the ARFPD. A separate motion and decision from the city council is requested to adopt each of the two ordinances.

Based on findings in the staff report and in consideration of the planning commission's recommendation, staff recommends that council approve the application under planning files AN-03-23 and ZC-06-23.

If the council agrees with the findings, conclusions, and conditions in the staff report and the ordinances as presented, then the city attorney would read the ordinances for a first time in title only.

Budget Impact:

None.

DM:km

Attachments (2):

- 1- Ordinance for Annexations with Rezones
- 2- Ordinance to remove the property from the ARFPD



ORDINANCE NO. _____

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

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

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

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

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

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

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

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

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

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

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

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

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Exhibit 1-A Legal Description for Century Drive Annexation

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

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

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

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

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

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

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

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

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

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

Together with –

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

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

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

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

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

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

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

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

Exhibit 8-A Legal Description for Interstate 5 Annexation

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

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

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

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

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

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

Exhibit 1-B Map of Century Drive Annexation

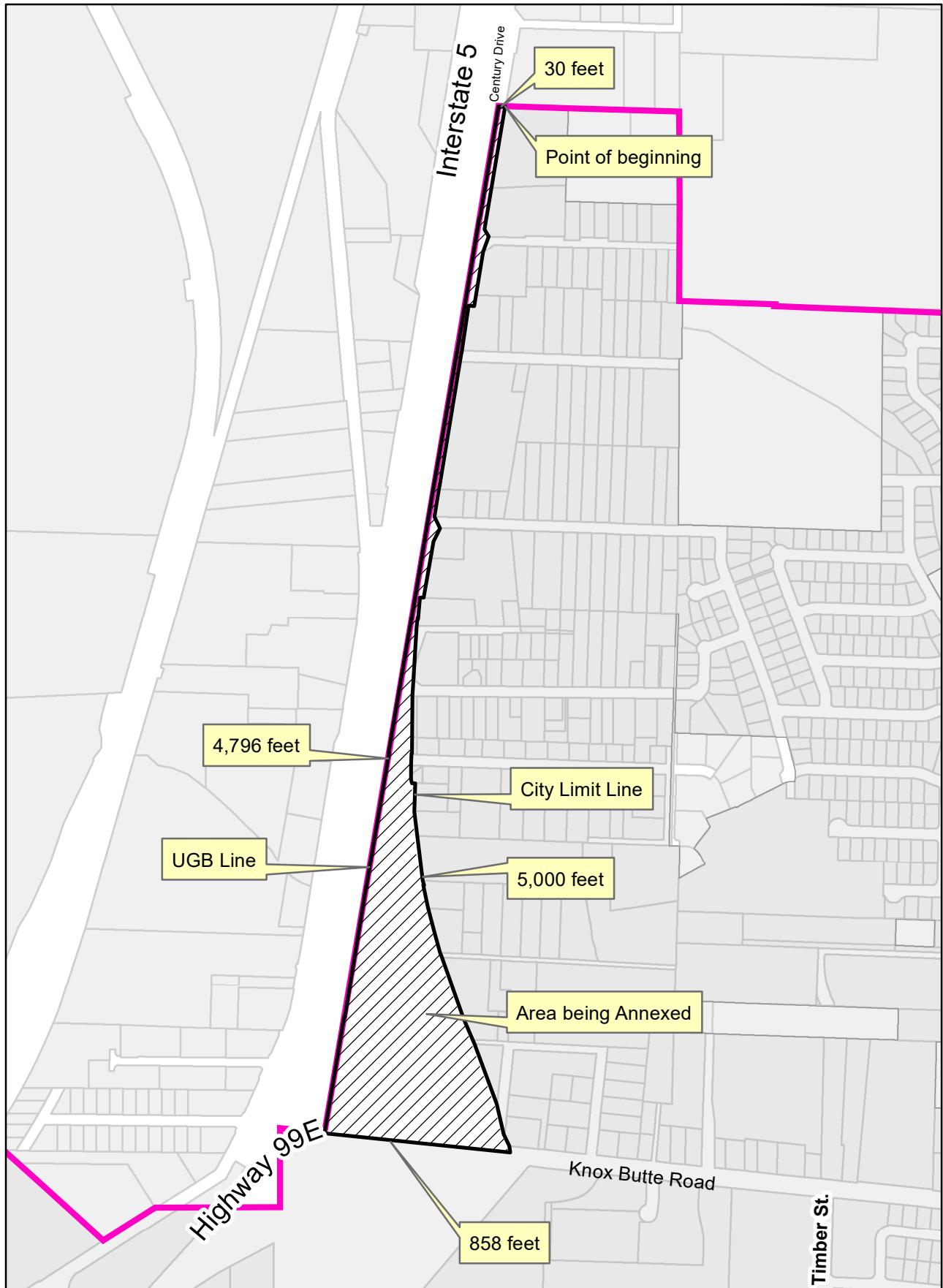


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation



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

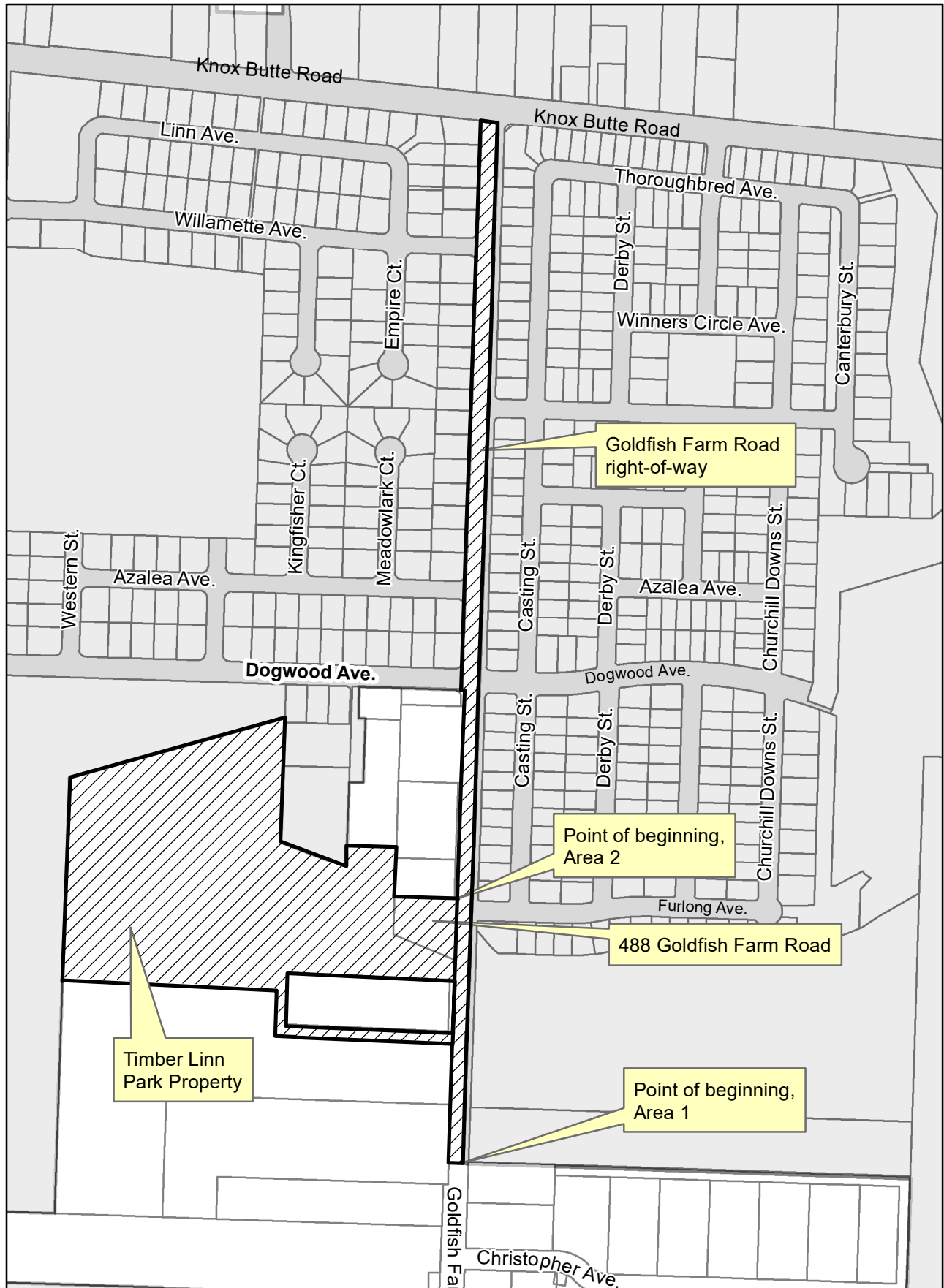


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



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

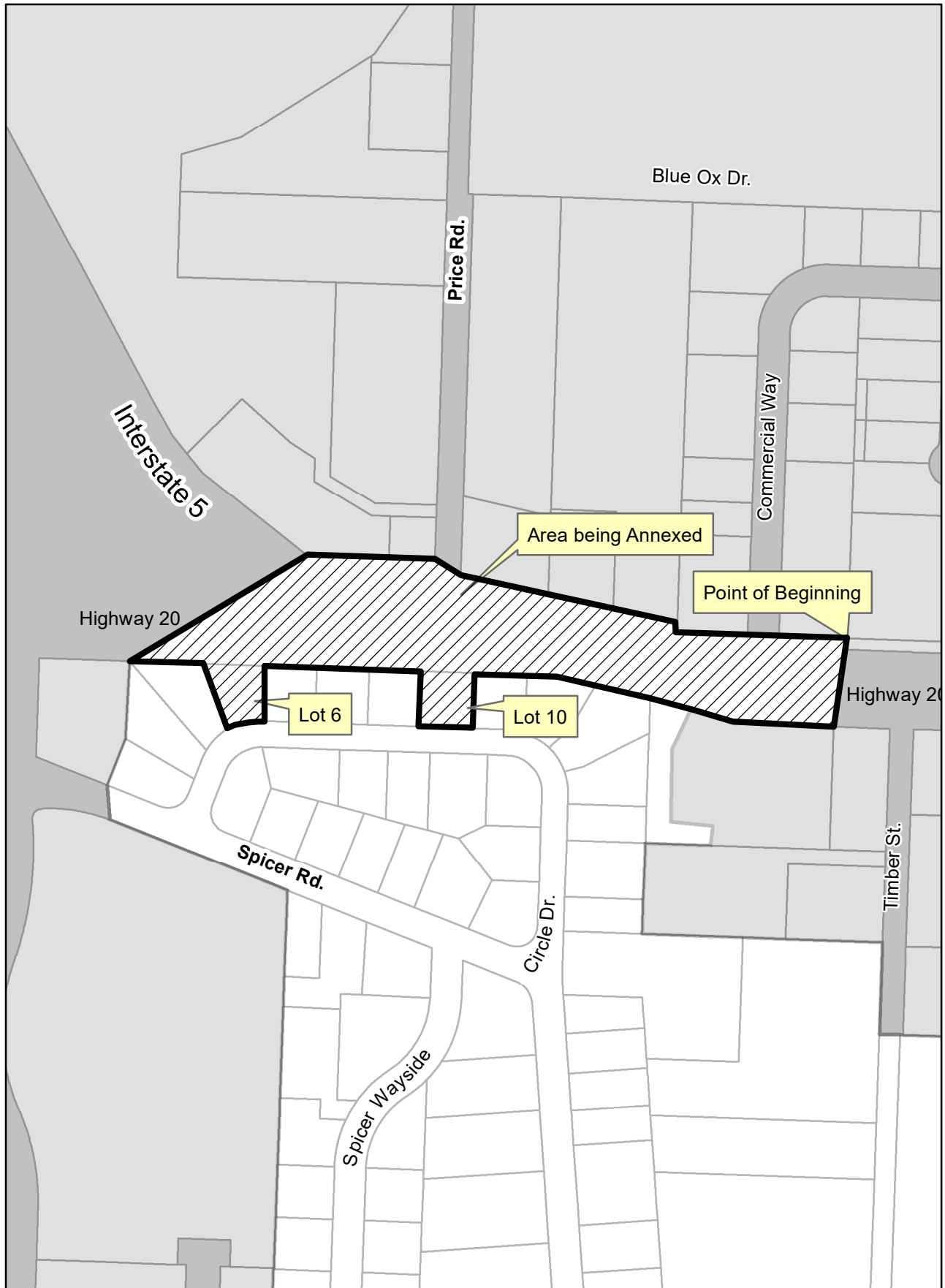


Exhibit 6-B Map of 3545 Spicer Road SE Annexation

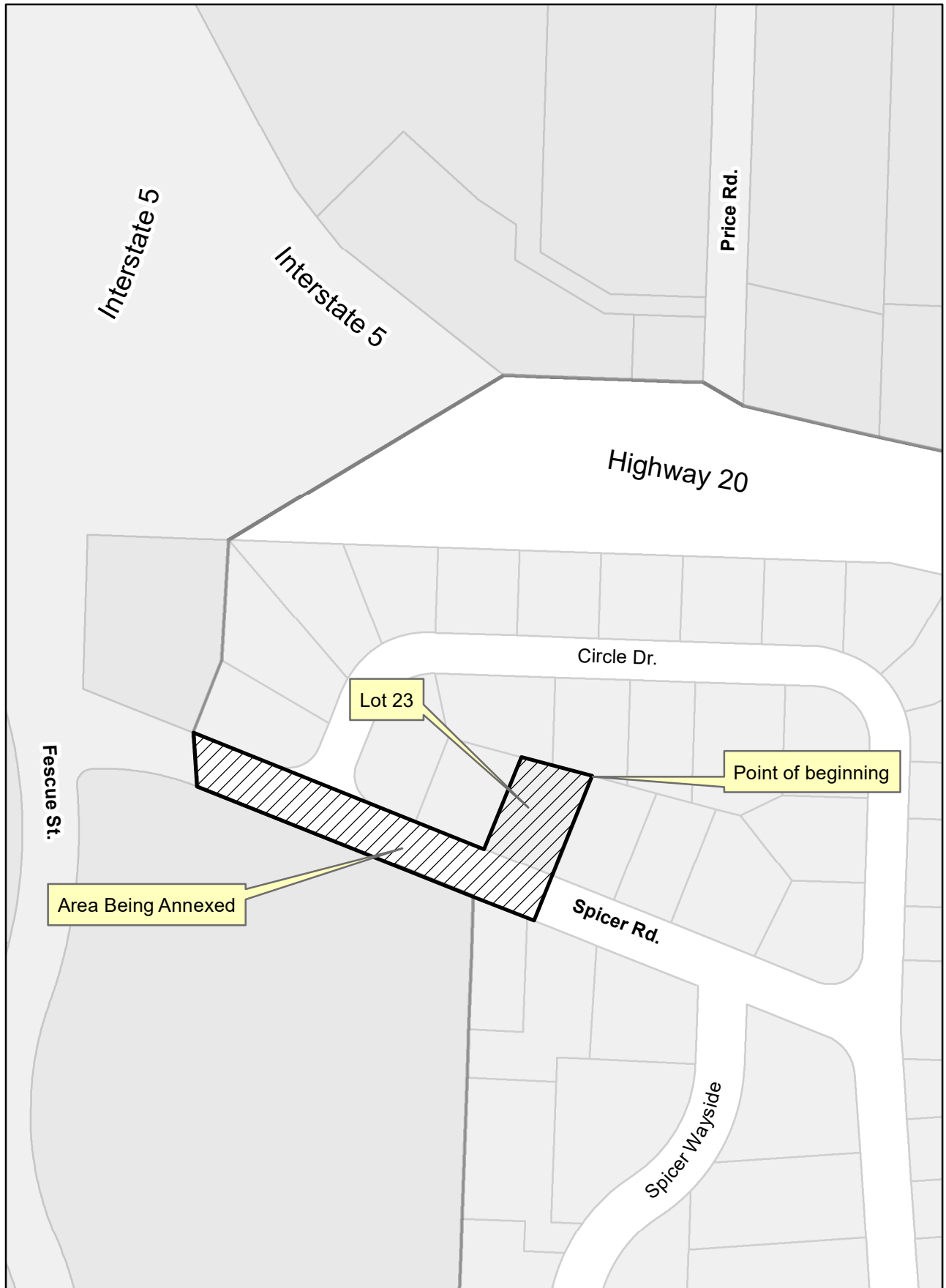


Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

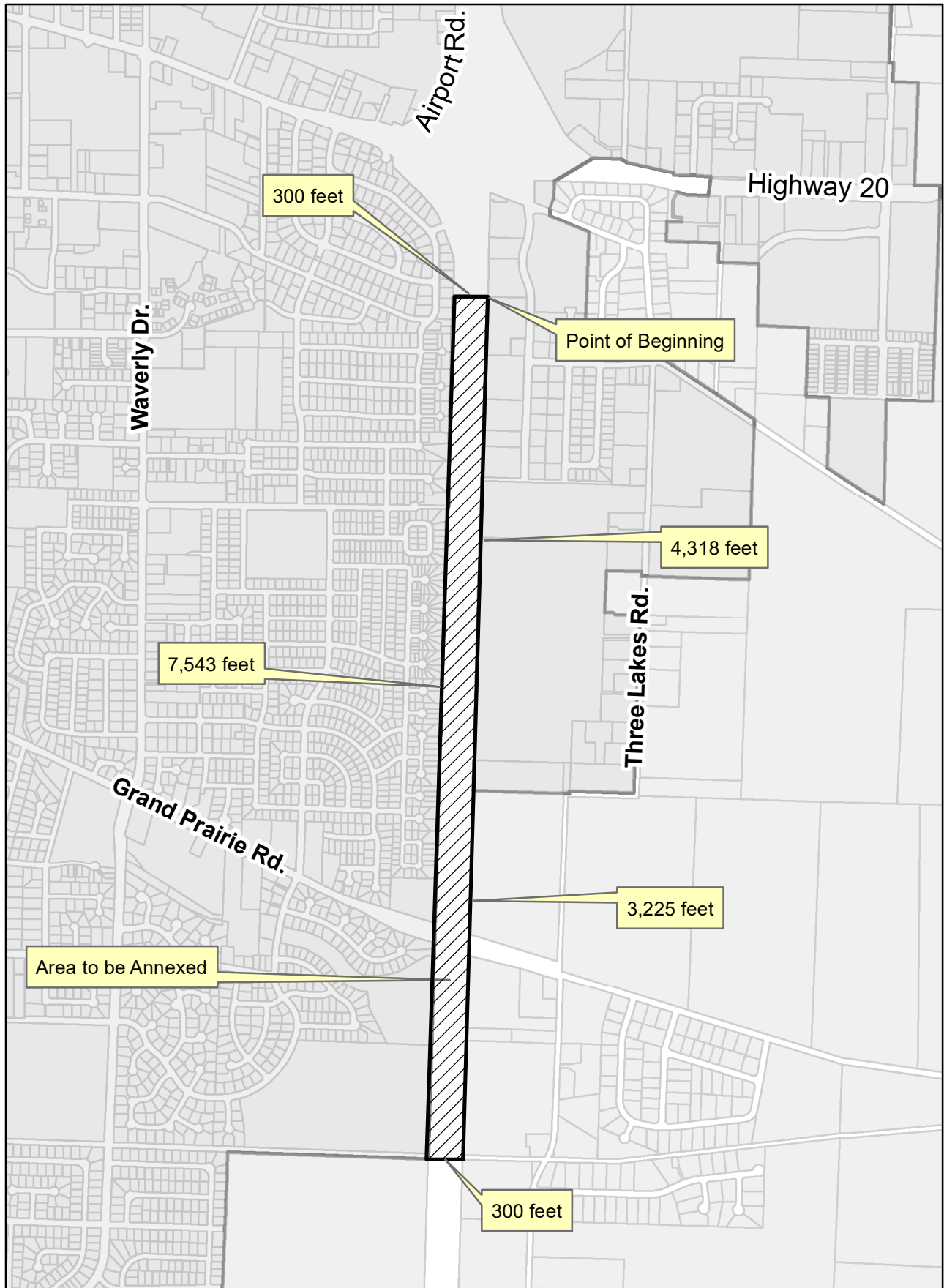


Exhibit 9-B Map of 2958 53rd Avenue Annexation

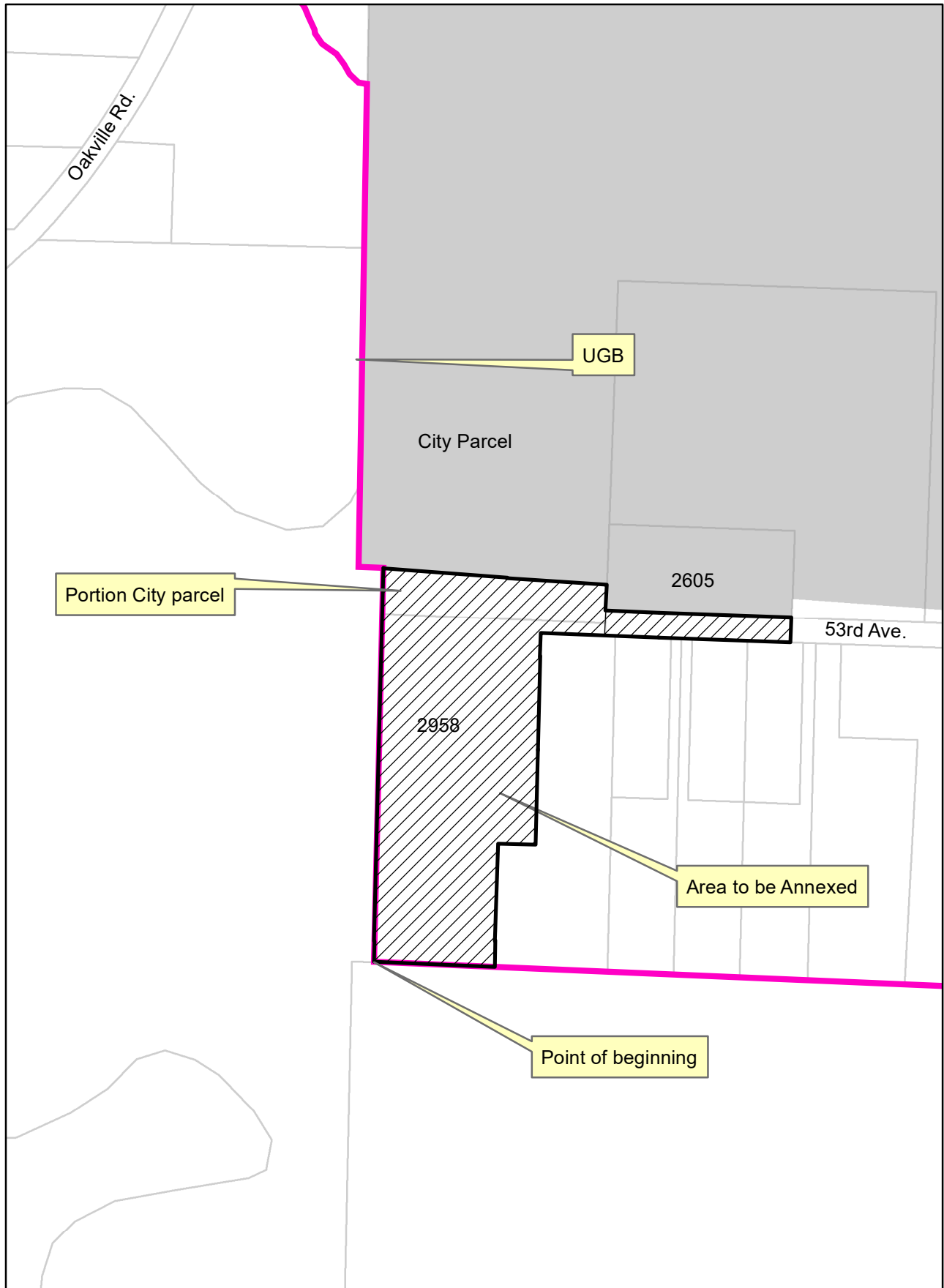


Exhibit C

Zoning Map Amendments

Addressed

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

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

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

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

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

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

Unaddressed

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

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

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



COMMUNITY DEVELOPMENT

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

Staff Report

Annexation with Zoning Map Amendment

AN-03-23 and ZC-06-23

November 27, 2023

Hearing Information

Review Body: **Planning Commission**

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

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

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

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

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

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

Review Body: **City Council**

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

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

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

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

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

Summary

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

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

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

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

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

Application Information

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

Review Process and Appeals

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

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

Public Notice

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

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

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

PUBLIC COMMENT #1

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

STAFF RESPONSE (PLANNER DAVID MARTINEAU)

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

PUBLIC COMMENT #2

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

STAFF RESPONSE (ENGINEERING MANAGER GORDON STEFFENSMEIER)

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

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

STAFF RESPONSE (PLANNER DAVID MARTINEAU)

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

Analysis of Development Code Criteria

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

Annexation (ADC 2.110)

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

Criteria 1

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

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

Findings of Fact

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

Conclusions

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

Criteria 2

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

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

Findings of Fact

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

Conclusions

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

Criteria 3

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

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

Findings of Fact

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

plan map designation.

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

Conclusions

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

Criteria 4

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

Findings of Fact

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

Conclusions

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

Zoning Map Amendments (ADC 2.740)

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

Criterion 1

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

Findings of Fact

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

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

Conclusion

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

Criterion 2

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

Findings of Fact

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

Conclusions

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

Criterion 3

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

Findings of Fact

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

Conclusions

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

Criterion 4

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

Findings of Fact

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

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

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Statewide Planning Goal 10: Housing (Chapter 4)

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

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

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

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

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

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

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

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

Statewide Planning Goal 14: Urbanization (Chapter 8)

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

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

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

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

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

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

Conclusions

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

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

Criterion 5

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

Findings of Fact and Conclusion

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

The subject properties comply with these criteria as follows:

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

Conclusions

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

Overall Conclusion

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

Conditions

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

Options for the Planning Commission

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

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

Motion

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

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

Attachments

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

Exhibit 1-A Legal Description for Century Drive Annexation

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

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

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

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

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

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

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

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

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

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

Together with –

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

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

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

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

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

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

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

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

Exhibit 8-A Legal Description for Interstate 5 Annexation

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

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

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

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

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

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

Exhibit 1-B Map of Century Drive Annexation

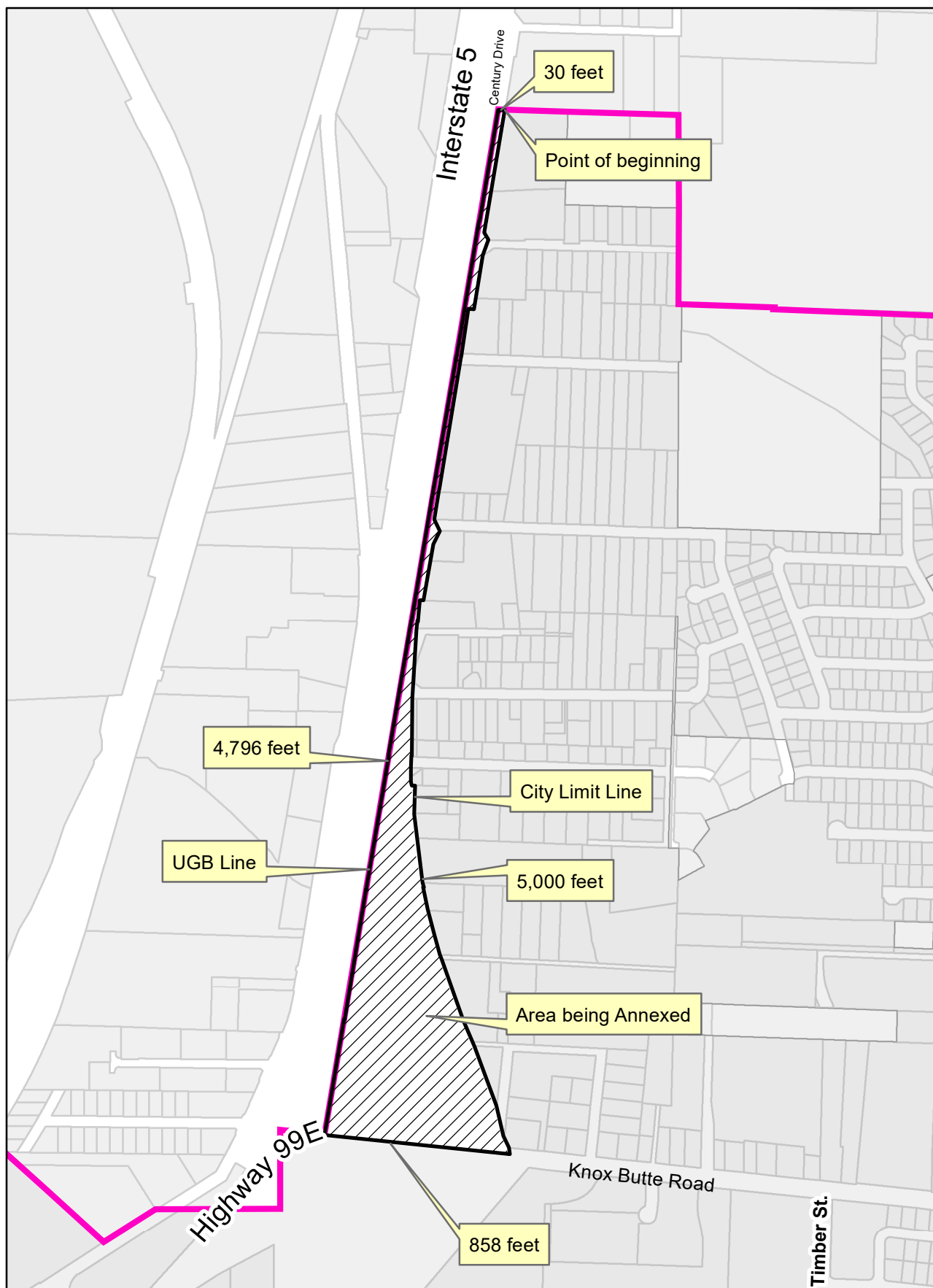


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation



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

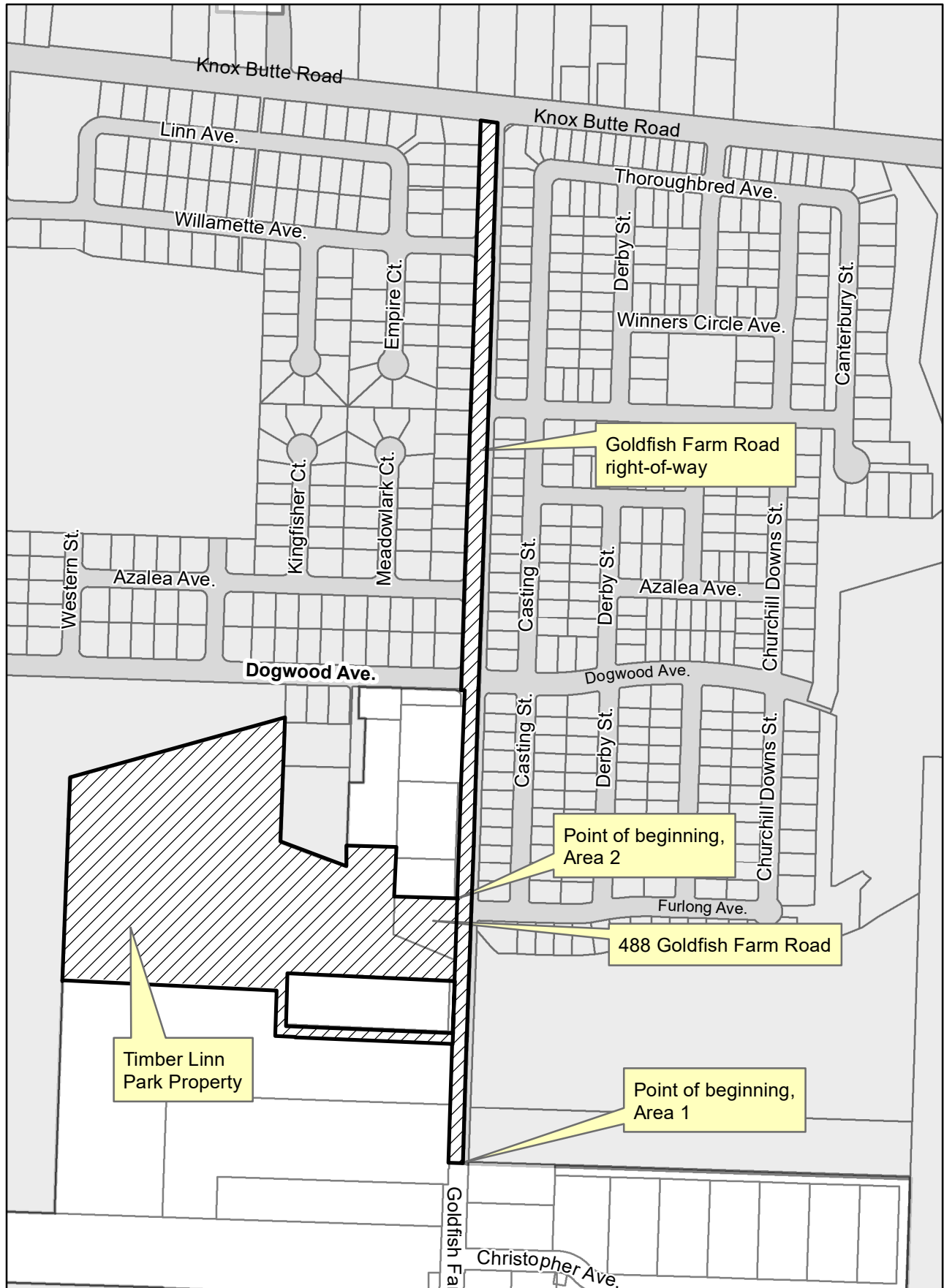


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



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

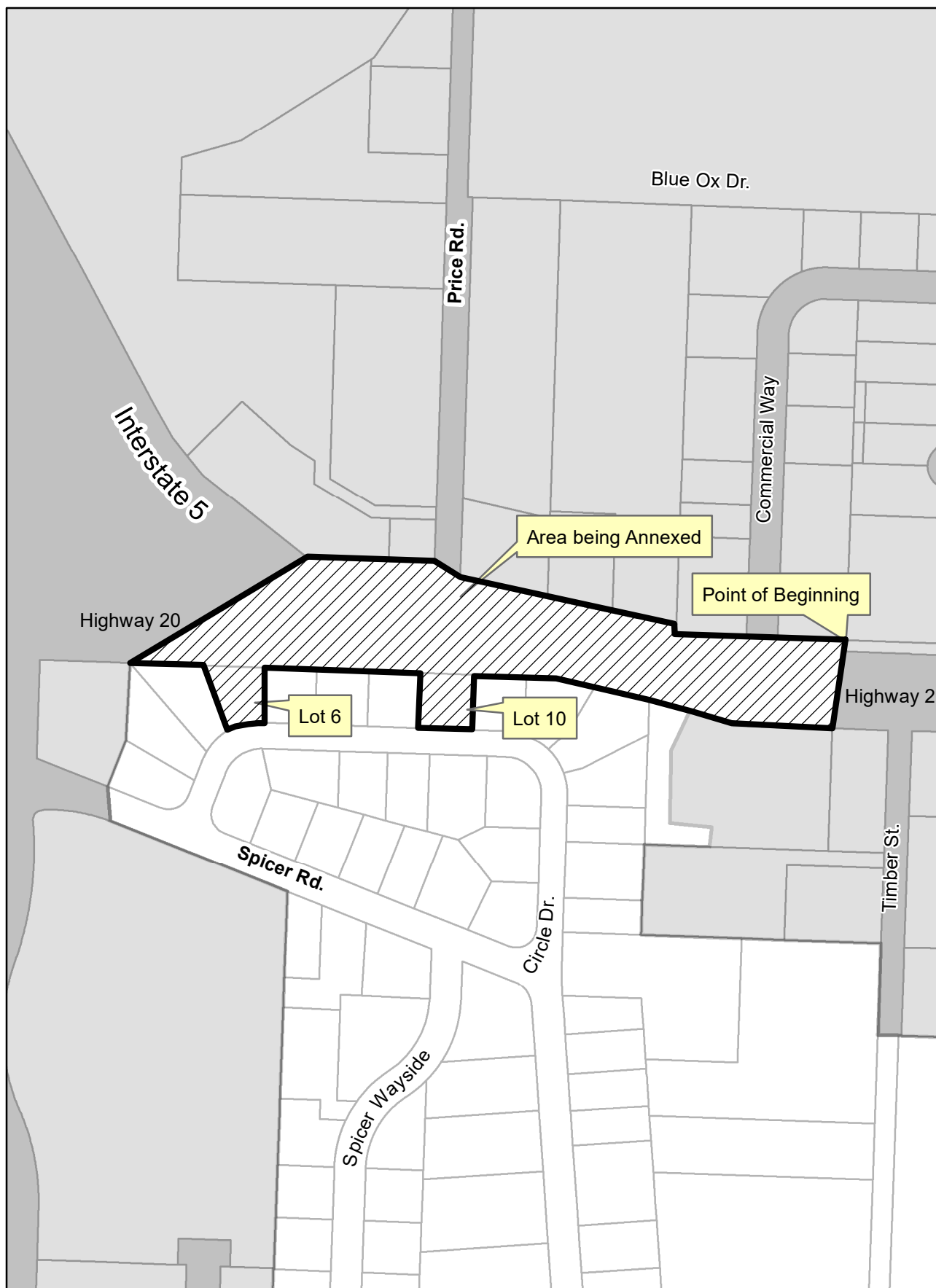


Exhibit 6-B Map of 3545 Spicer Road SE Annexation

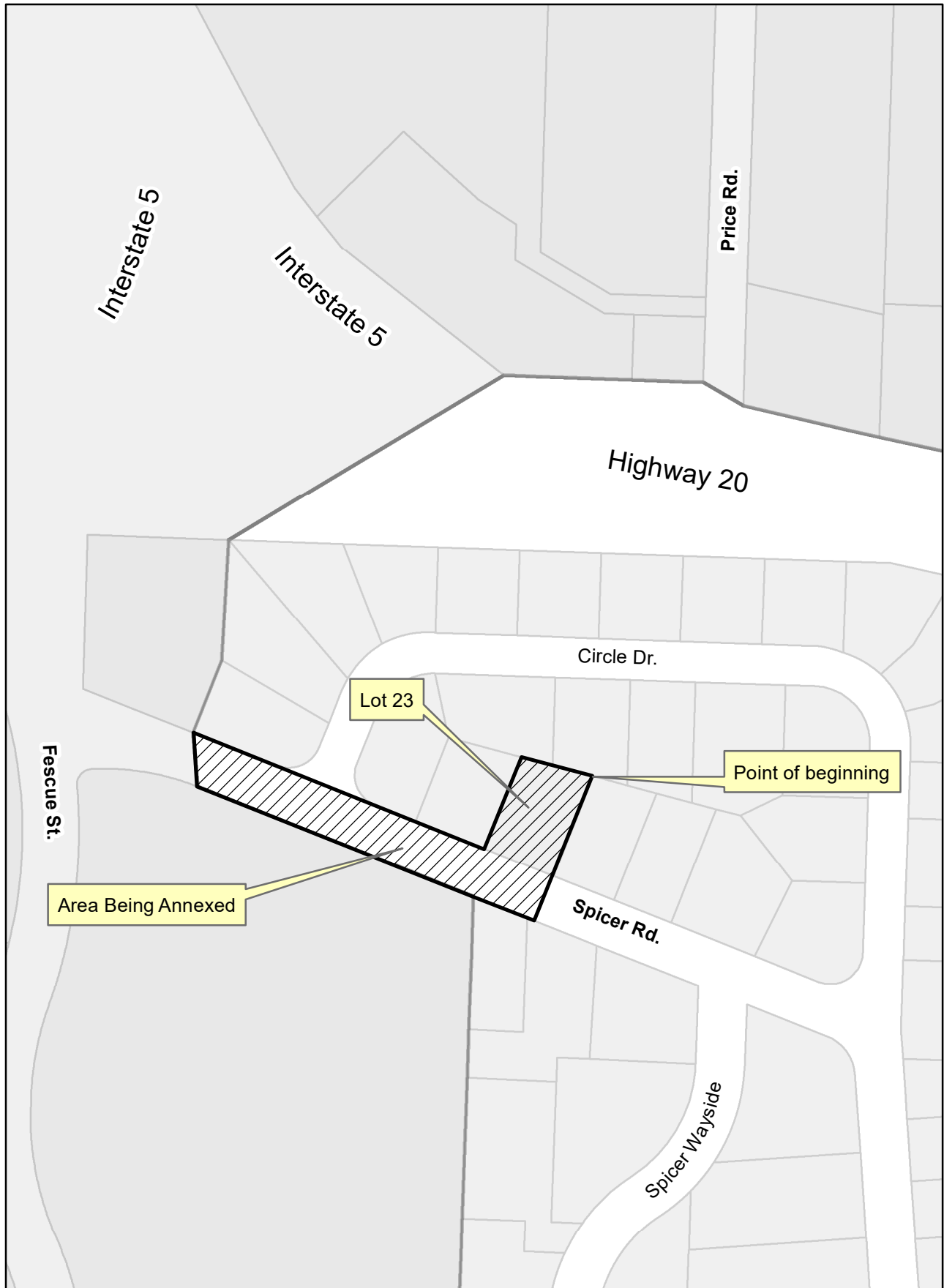


Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

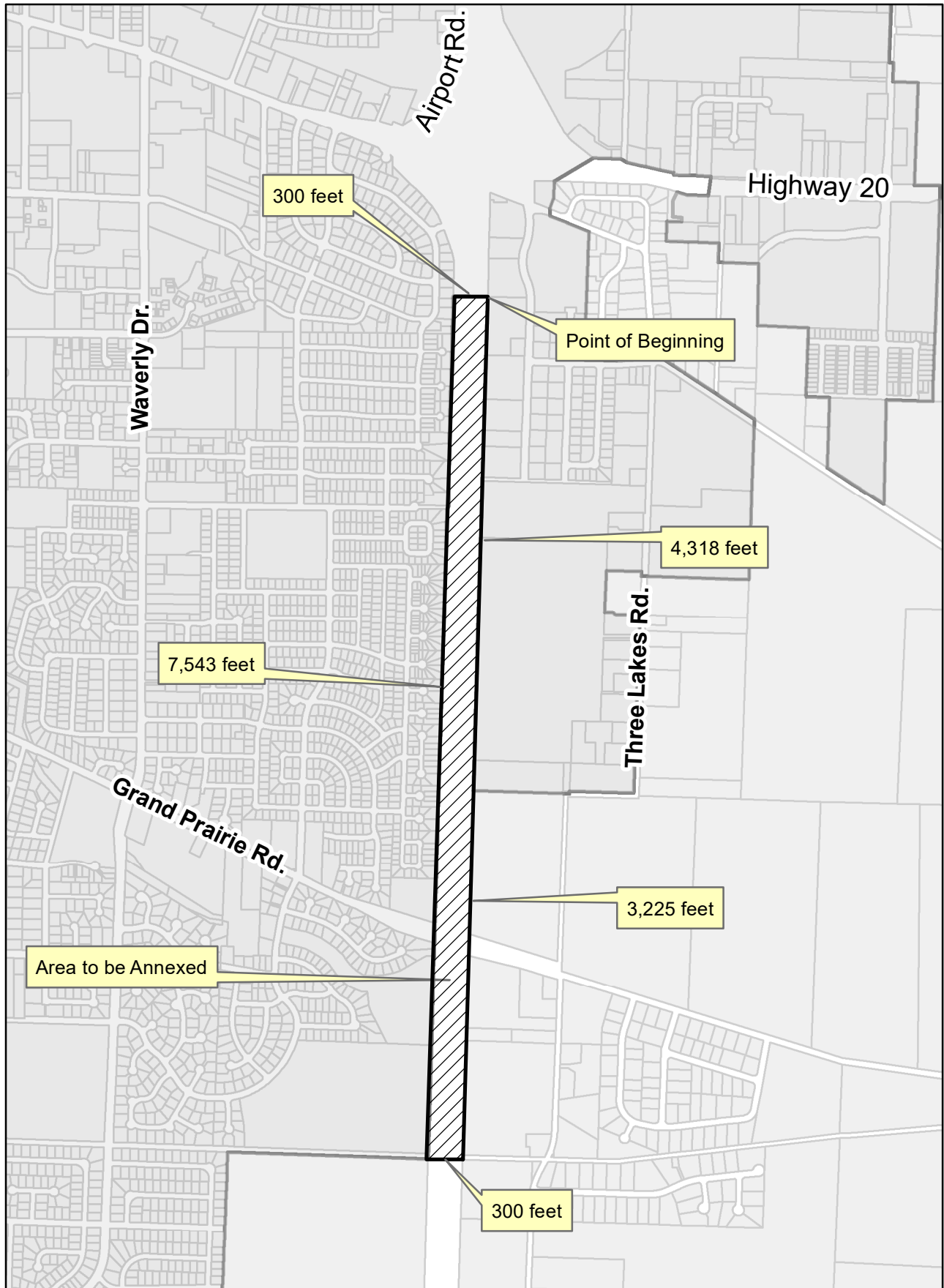
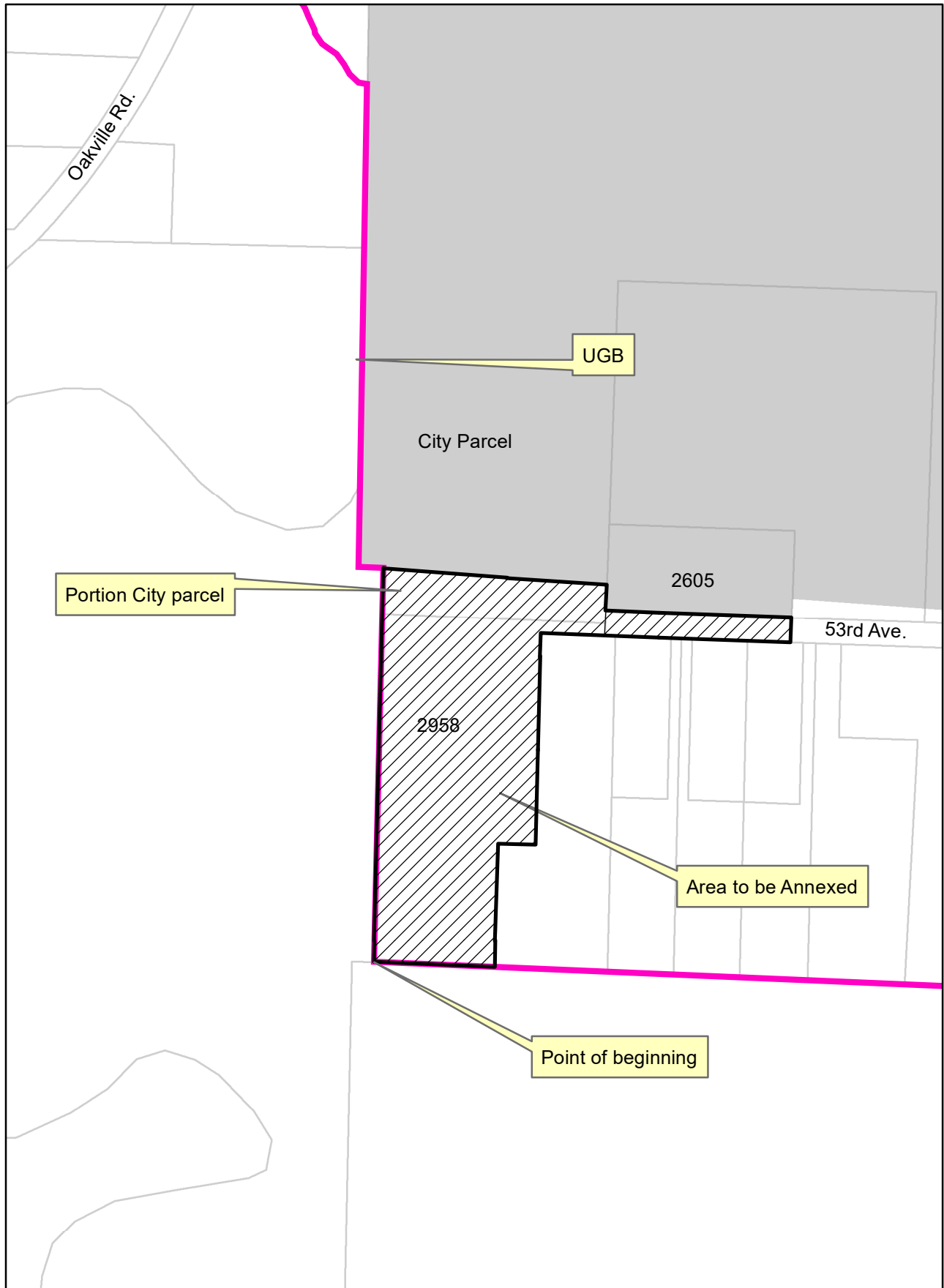
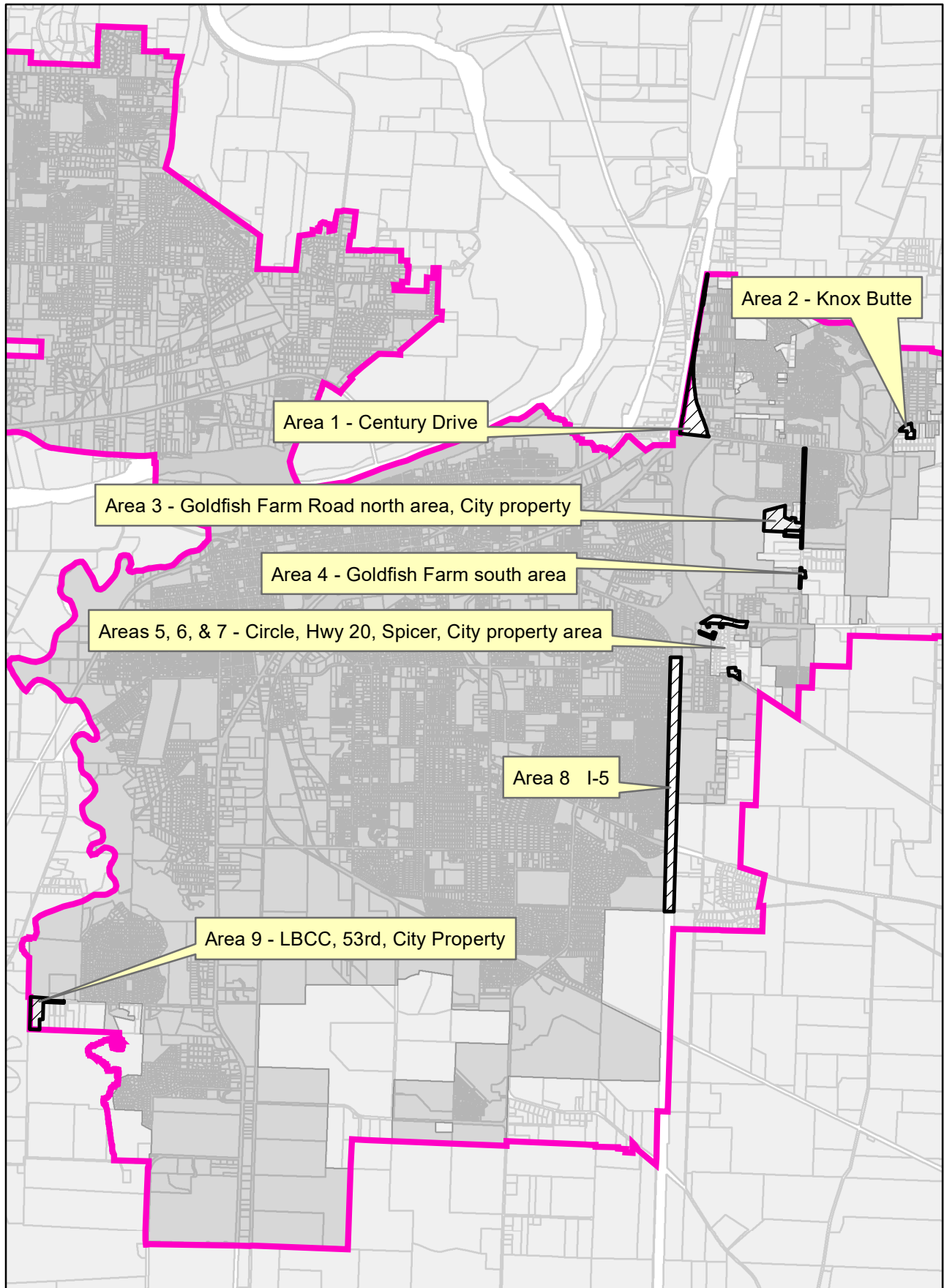


Exhibit 9-B Map of 2958 53rd Avenue Annexation



Attachment C - Land being Annexed, 9 areas



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

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

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

City of Albany

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

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH:

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

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

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

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

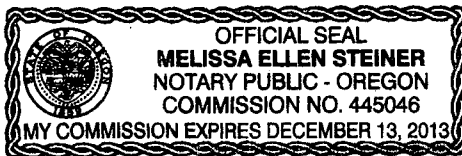
The owners hereby irrevocably petition for annexation of the above described property to the City of Albany.

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

Signed: [Signature]
Brent J. Chandler

STATE OF Oregon)
County of Linn) ss.

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



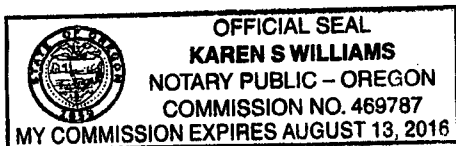
[Signature]
Notary Public for Oregon
My Commission Expires: 12-13-13

CITY OF ALBANY, OREGON

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

STATE OF OREGON)
County of Linn) ss.

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



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

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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

Steve Druckenmiller - County Clerk



After Recording Return To:

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

All Tax Statements Should Be Sent To:

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

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

Irrevocable Request to Annex Agreement

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

Everett and Shirley Ann Wright

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

City of Albany

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

\$0

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

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH:

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

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

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

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

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

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

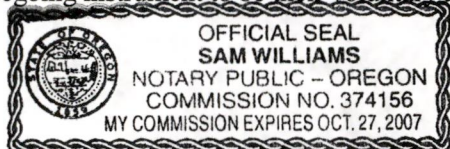
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: [Signature]
Everett Wright

Signed: [Signature]
Shirley Ann Wright

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

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

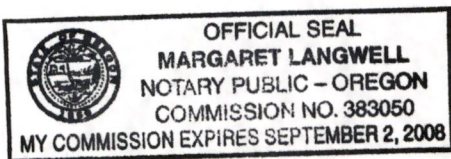


[Signature]
Notary Public for Oregon
My Commission Expires: 10/27/2007

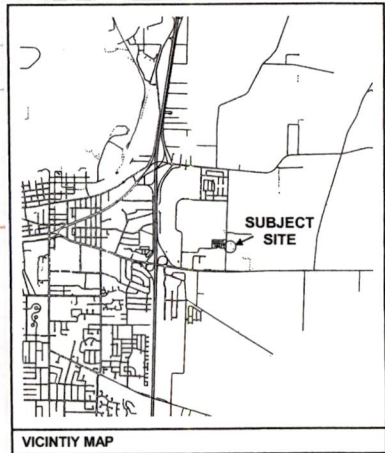
CITY OF ALBANY, OREGON
ACCEPTED BY: [Signature]
Steve Bryant, City Manager

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

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



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



937 GOLDFISH FARM ROAD SE

EXHIBIT A



Engineering

jeffw nil

Jeff Woodward

Sep 8, 2004



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



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

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

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

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

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

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

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

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

Signed: 
Everett Wright

Date: 8/24/04

Signed: 
Shirley Ann Wright

Date: 8/24/04

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

NA

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

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

Linn-Benton Community College

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

City of Albany

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

\$0.00

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH:

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

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

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

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

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

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

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

None.

Signed: Jim Huckestein

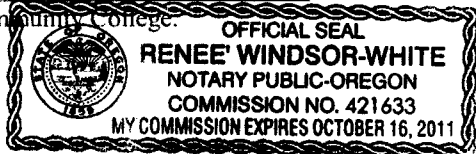
Signed: Kevin Nicholson

STATE OF OR
County of Linn

STATE OF OR
County of Linn

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

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



Renee Windsor-White
Notary Public - State of Oregon

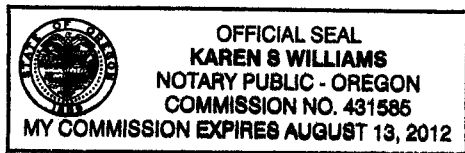
Renee Windsor-White
Notary Public - State of Oregon

CITY OF ALBANY, OREGON

ACCEPTED BY: Mark Shepard
Mark Shepard, City Engineer

STATE OF OREGON
County of Linn

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



Karen S Williams
Notary Public - State of Oregon

Exhibit A - Irrevocable Request to Annex



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Calvin D and Mavis D Cheek Trust, Renee Oster Trustee

3525 Circle Dr SE

Albany, OR 97322

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

Irrevocable Request to Annex Agreement

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

Calvin D and Mavis D Cheek Trust

Renee Oster, Trustee

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

City of Albany

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

\$0

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

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH:

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

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

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

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

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

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

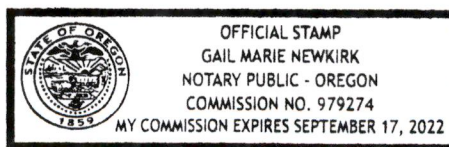
Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:
None.

Signed: Renee Oster Trustee
Renee Oster, Trustee

STATE OF Oregon
County of Linn

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

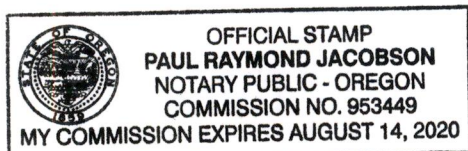
Gail M Newkirk
Notary Public - State of Oregon



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

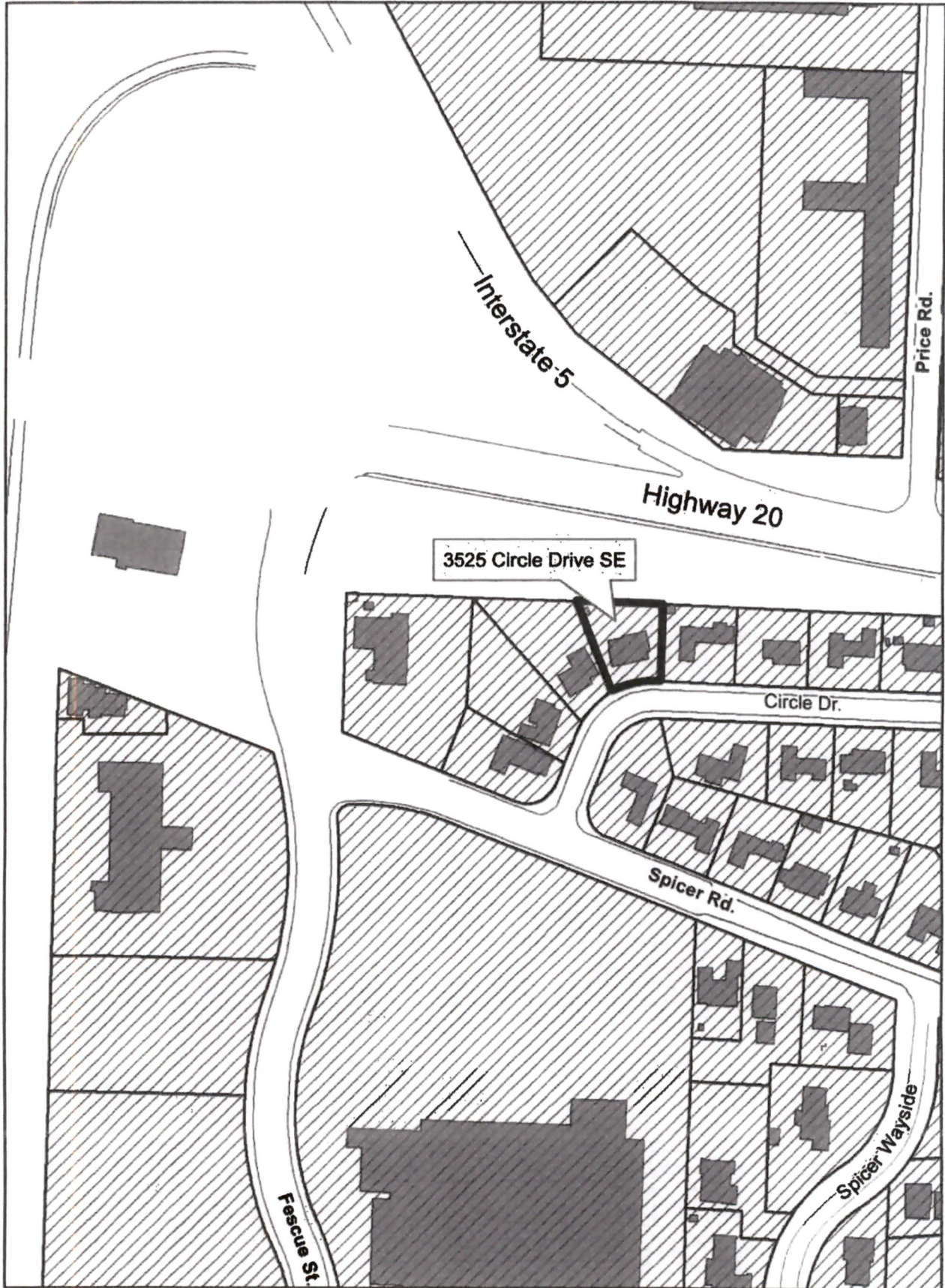
STATE OF OREGON
County of Linn

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



Paul R Jacobson
Notary Public - State of Oregon

Exhibit A - Irrevocable Request to Annex Map



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS 205.234

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



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

Steve Druckenmiller - County Clerk



After Recording Return To

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To

Andrew Jones and Danae Jones

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

Irrevocable Request to Annex Agreement

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

Andrew Jones and Danae Jones

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

City of Albany

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

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH.

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

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

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

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

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

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

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

None.

Signed: [Signature] Andrew Jones

Signed: [Signature] Danae Jones

STATE OF Oregon
County of Marion

STATE OF _____
County of _____

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

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



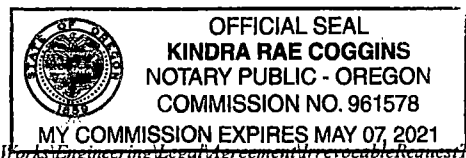
[Signature]
Notary Public - State of Oregon

[Signature]
Notary Public - State of Oregon

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

STATE OF OREGON
County of Linn

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



[Signature] Kindra Rae Coggins
Notary Public - State of Oregon

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

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

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

WITNESSETH.

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

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

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

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

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

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

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

None.

Signed: Andrew Jones

Signed: Danae Jones

STATE OF County of

STATE OF Oregon County of Linn

Signed or attested before me on by Andrew Jones.

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

Notary Public -State of Oregon

Official Stamp: BRENDA CORTEZ MARTINEZ, NOTARY PUBLIC - OREGON, COMMISSION NO 959814, MY COMMISSION EXPIRES MARCH 01, 2021. Includes signature of Brenda Cortez Martinez.

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

STATE OF OREGON
County of Linn

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

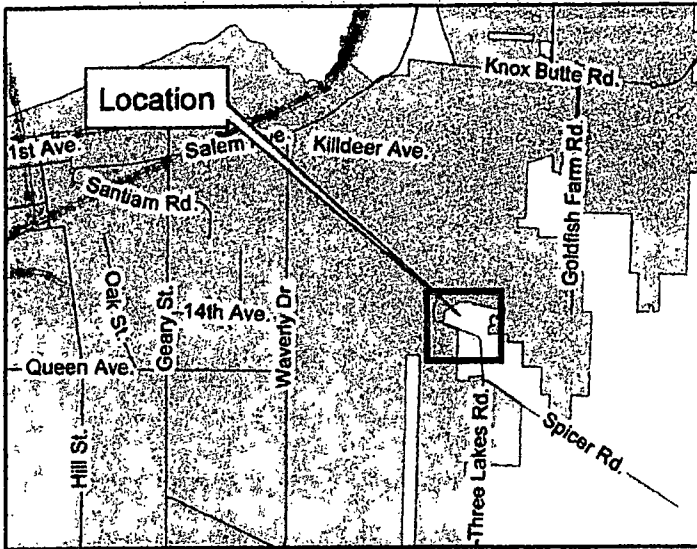
Official Seal: KINDRA RAE COGGINS, NOTARY PUBLIC - OREGON, COMMISSION NO. 961578, MY COMMISSION EXPIRES MAY 07, 2021.

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

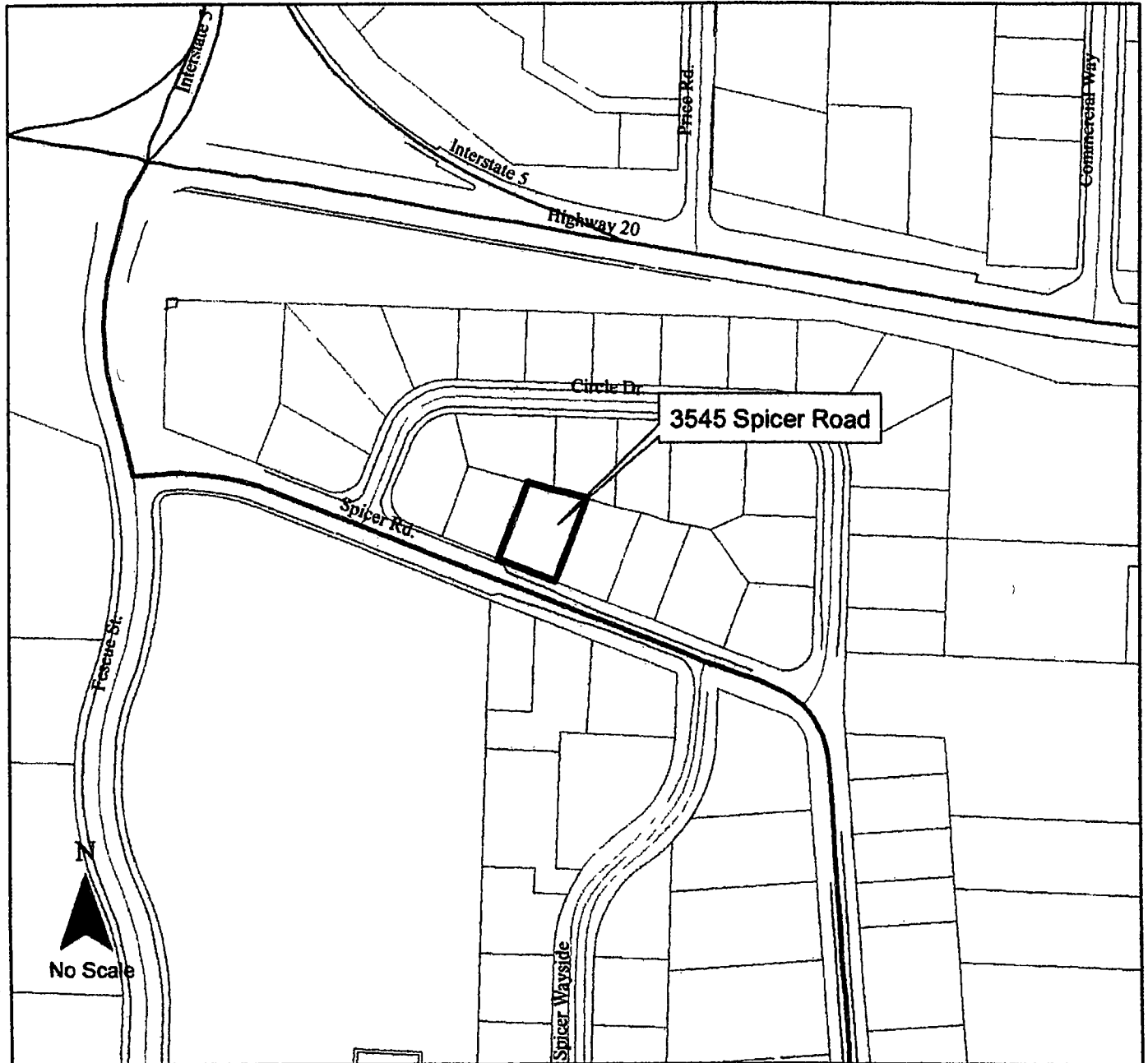
EXHIBIT A

11S03W09AC- 02700

Irrevocable Request to Annex Map
Andrew and Danae Jones Property



Geographic Information Services



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



00437801202200093120030033

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

Steve Druckenmiller - County Clerk



After Recording Return To:

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

All Tax Statements Should Be Sent To:

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

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

Irrevocable Request to Annex Agreement

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

Lucas Teeter

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

City of Albany

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

\$0

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

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

Date: _____

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

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

WITNESSETH:

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

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

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

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

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

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

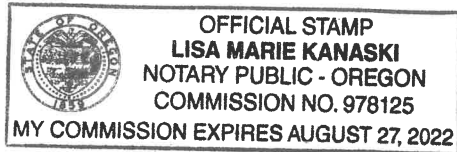
Notwithstanding the foregoing, it is agreed the following special conditions or limitations apply to this agreement:
None.

Signed: [Signature]

STATE OF OR
County of Linn

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

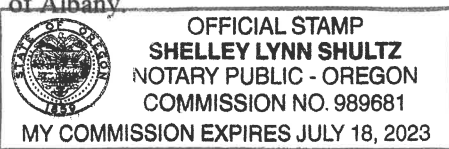
[Signature]
Notary Public - State of Oregon



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

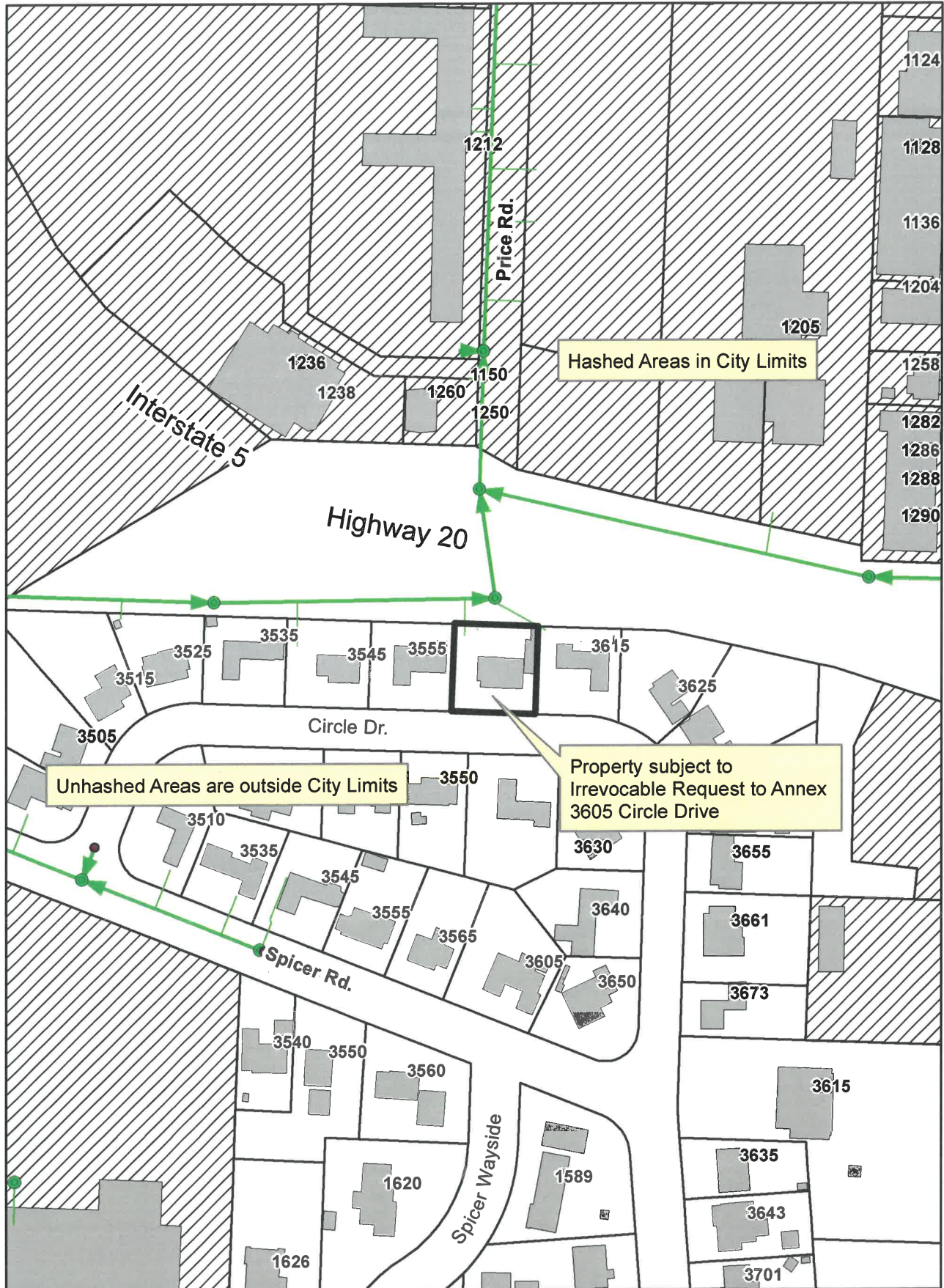
STATE OF OREGON
County of Linn

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



[Signature]
Notary Public - State of Oregon

Exhibit A - Map of Irrevocable Request to Annex



LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

City of Albany - Exempt

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

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

Jeremy Still and Melissa Still

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

City of Albany

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

\$0.00

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

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

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

WITNESSETH:

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

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

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

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

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

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

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

None.

Signed: [Signature]
Jeremy Still

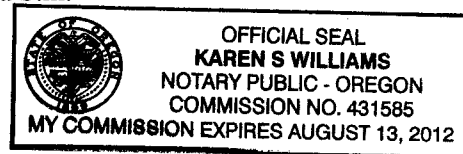
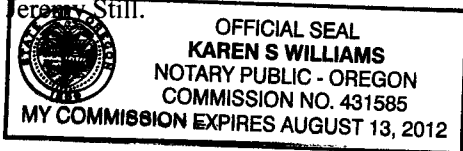
Signed: [Signature]
Melissa Still

STATE OF Oregon
County of Linn

STATE OF Oregon
County of Linn

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

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



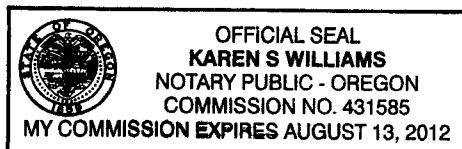
[Signature]
Notary Public - State of Oregon

[Signature]
Notary Public - State of Oregon

CITY OF ALBANY, OREGON
ACCEPTED BY: [Signature]
Mark Shepard, City Engineer

STATE OF OREGON
County of Linn

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



[Signature]
Notary Public - State of Oregon

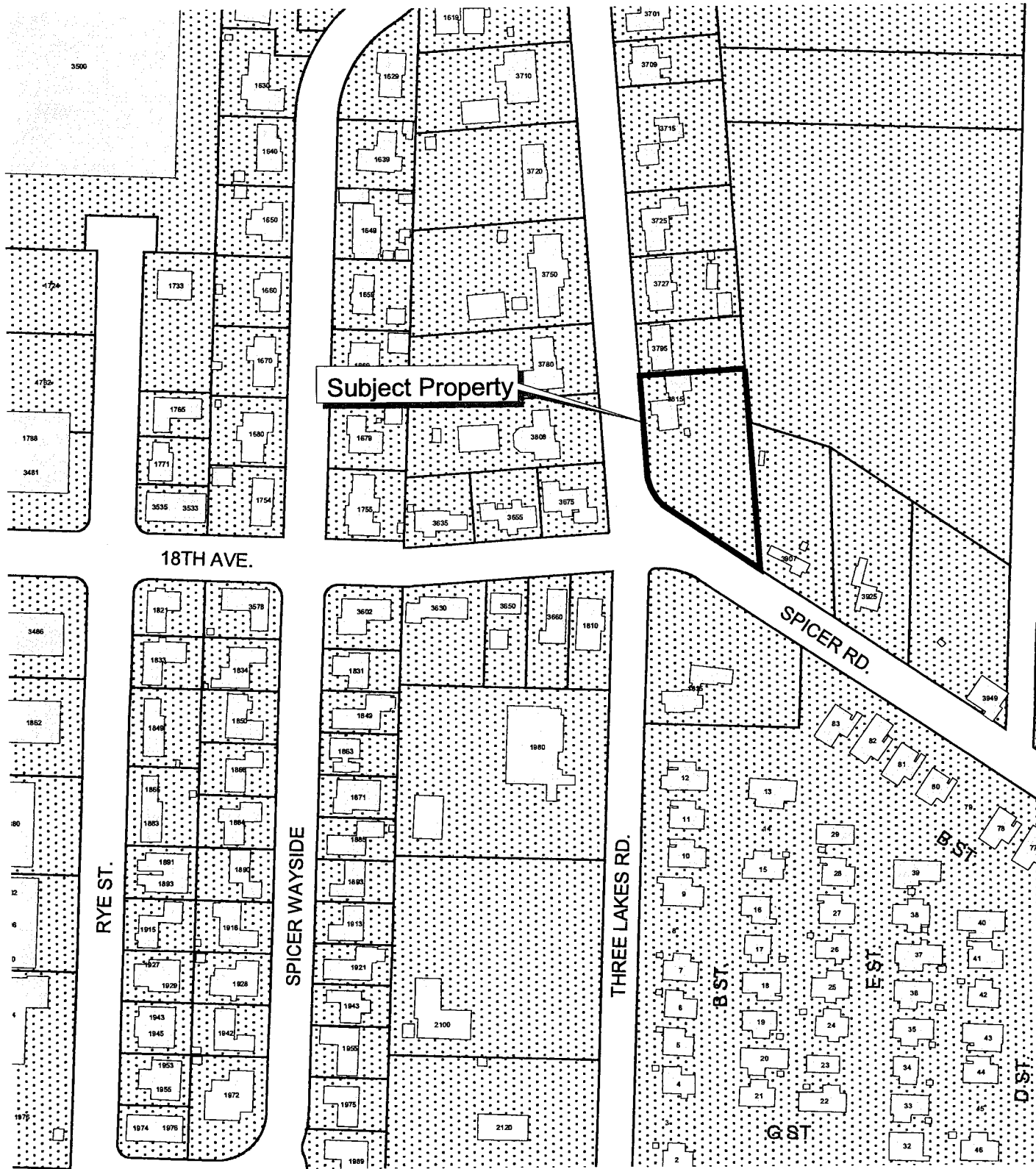


Exhibit A - Still Property, Irrevocable Request to Annex



gordons nil

Sep 16, 2008




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




LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



00185780201200129120030037

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



Steve Druckenmiller - County Clerk

After Recording Return To:

City of Albany City Clerk

PO Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Government Agency - Exempt

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

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

Barbara Curths

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

City of Albany

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

\$0

IRREVOCABLE REQUEST TO ANNEX AGREEMENT

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

Barbara Curths
6282 Macleay Road SE
Salem, OR 97317

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

WITNESSETH.

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

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

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

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

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

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

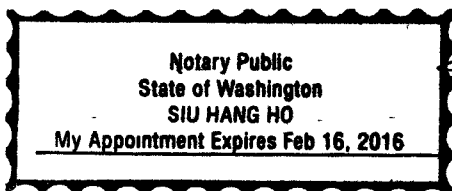
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement:

None

Signed: Barbara Curths
Barbara Curths

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

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

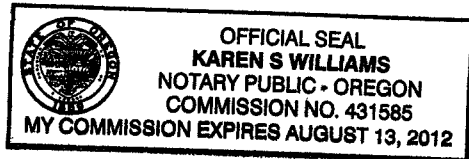


[Signature]
Notary Public for Washington
My Commission Expires: Feb 16, 2016

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

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

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



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

LINN COUNTY
Recording Cover Sheet
All Transactions, ORS: 205.234

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



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

Steve Druckenmiller - County Clerk



After Recording Return To:

City of Albany City Clerk

P O Box 490

Albany, OR 97321

All Tax Statements Should Be Sent To:

Wesley L. and Lila M. Lokey

4610 Knox Butte Rd E

Albany, OR 97322

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

Irrevocable Request to Annex Agreement

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

Wesley L. and Lila M. Lokey

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

City of Albany

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

\$0

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

Re-recorded at the request of _____

to correct _____

Previously recorded in Book _____ and page _____ or DN _____

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

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

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

WITNESSETH:

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

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

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

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

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

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

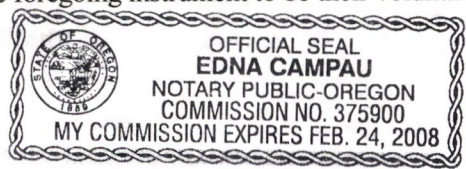
Notwithstanding the foregoing, it is agreed that the following special conditions or limitations apply to this agreement: None.

Signed: Wesley L. Lokey
Wesley L. Lokey

Signed: Lila M. Lokey
Lila M. Lokey

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

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

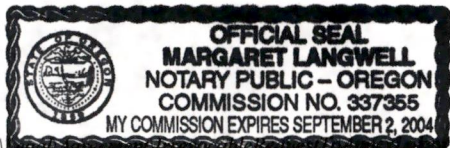


Edna Campau
Notary Public for Oregon
My Commission Expires: Feb. 24, 2008

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

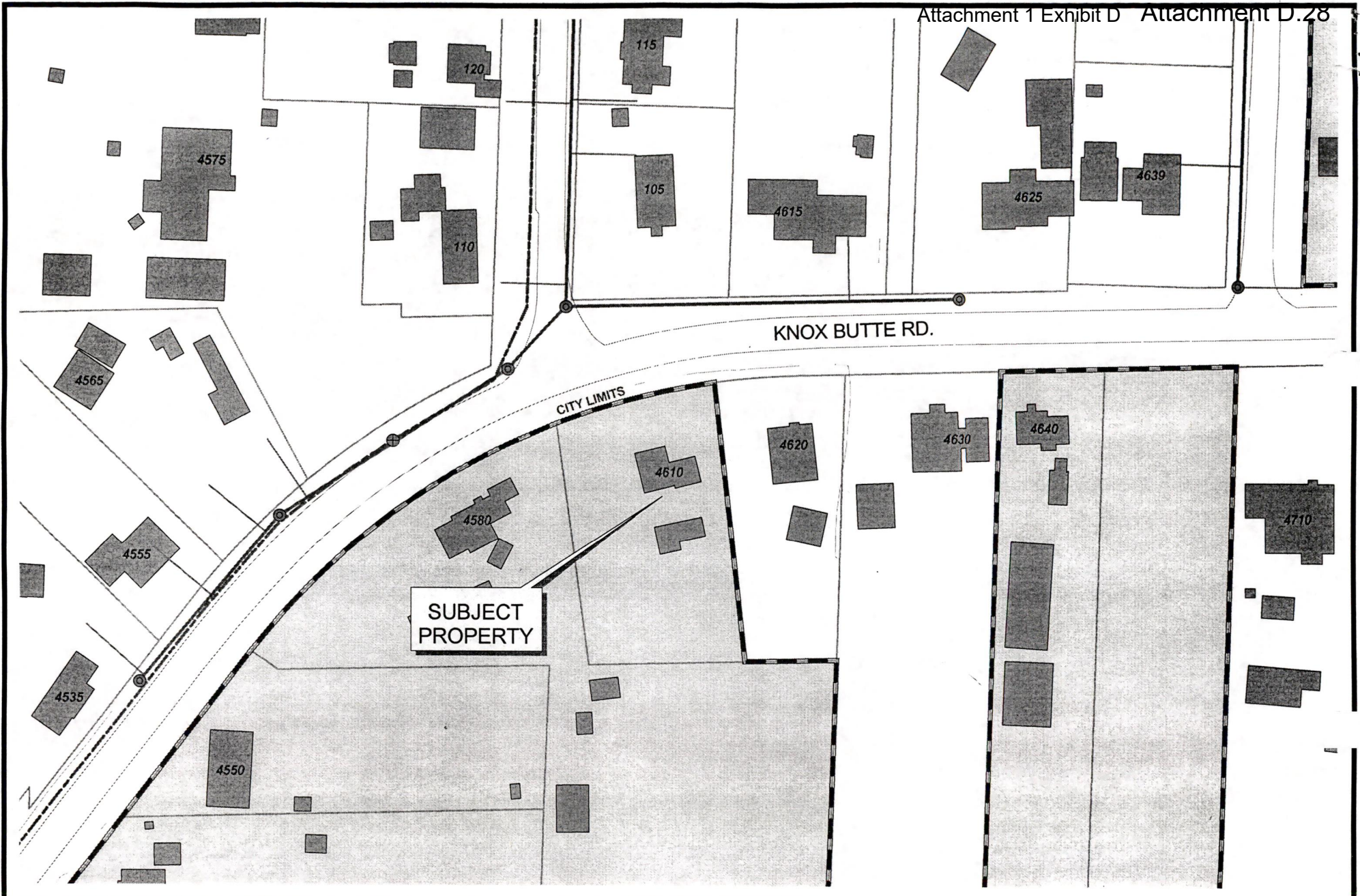
STATE OF OREGON)
County of Linn) ss.
City of Albany)

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



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

G:\L... jmw



4610 KNOX BUTTE RD SE

EXHIBIT A

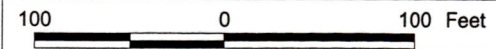


ENGINEERING

JEFF WOODWARD

Jun 18, 2004

danielieu nil



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



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

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

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

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

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

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

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

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

Signed: Wesley L. Lokey Date: 7/2/04
Wesley L. Lokey

Signed: Lila M. Lokey Date: 7-2-04
Lila M. Lokey



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Cheryn & Harold Lareau:

Future Annexation of your property at 488 Goldfish Farm Road

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Everett Wright & Darrell & Debi Wright:

Future Annexation of your property at 937 Goldfish Farm Road

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Linn Centon Community College:

Future Annexation of your property at 2958 53rd Avenue

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

Jennifer Neskahi
3525 Circle Drive SE
Albany, OR 97322

Dear Jennifer Neskahi:

Future Annexation of your property at 3525 Circle Drive

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

Lucas Teeter
3605 Circle Drive SE
Albany, OR 97322

Dear Lucas Teeter:

Future Annexation of your property at 3605 Circle Drive

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Alexandra & Matthew Golsan:

Future Annexation of your property at 3545 Spicer Drive

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Valley Homes 2022, LLC:

Future Annexation of your property at 3815 Spicer Drive

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

Raymond Johnston
4580 Knox Butte Road SE
Albany, OR 97322

Dear Raymond Johnston:

Future Annexation of your property at 4580 Knox Butte Road

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



PUBLIC WORKS – ENGINEERING

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

August 25, 2023

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

Dear Wesley & Lila Lokey:

Future Annexation of your property at 4610 Knox Butter Road

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

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

Sincerely,

Gordon Steffensmeier
Engineering Manager/Assistant City Engineer

gps

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

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



November 20, 2023

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

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

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

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

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

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

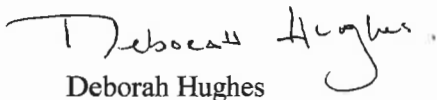
High density residential zoning may significantly impact their habitat.

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

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

Thank you in advance for your consideration.

Sincerely,


Deborah Hughes



RECEIVED
NOV 20 2023
BY: *Liz Almsted*
100



RECEIVED
NOV 20 2023
BY: *Liz Christ*
101

November 20, 2023

Dear Planning Commission and City Council,

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

(ADC 2.110)

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

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

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

(ADC 2.740)

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

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

Reference

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

Respectfully,
 Bobbi Jo Johnson
 2605 53rd Ave SW
 Albany Oregon



ORDINANCE NO. _____

AN ORDINANCE WITHDRAWING TERRITORY IDENTIFIED ON LINN COUNTY ASSESSOR'S MAP NO. 11S03W09AC TAX LOTS 600, 1000, 2700 & 11S03W09D TAX LOTS 2300, 2600, 3200, & 11S03W03A TAX LOTS 7700 AND 7800, & 11S03W04DD TAX LOTS 1100 AND 1300, & 11S03W10 TAX LOT 401, & 11S04W24 TAX LOTS 625 AND PORTION OF 500 FROM THE ALBANY RURAL FIRE PROTECTION DISTRICT.

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

WHEREAS, annexation of the subject property results in withdrawal of the territory from the Albany Rural Fire Protection District (ARFPD); and

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

WHEREAS, on January 10, 2024, the Albany City Council held a public hearing during which time interested persons were given an opportunity to be heard on this matter; and

WHEREAS, the city council, following said public hearing, determined that the withdrawal of territory from the ARFPD is in the best interests of the citizens of Albany.

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

Section 1: The territory described in Exhibit A and shown on the maps in Exhibit B of this ordinance is hereby proclaimed to be withdrawn from the ARFPD.

Section 2: The City Recorder shall, within 10 days of the effective date of this ordinance, file a copy of the ordinance with the county assessor of Linn County, Secretary of State of Oregon, State of Oregon Department of Revenue, and the Albany Rural Fire Protection District.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk

Exhibit 1-A Legal Description for Century Drive Annexation

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

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

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

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

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

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

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

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

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

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

Together with –

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

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

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

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

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

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

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

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

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

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

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

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

Exhibit 6-A Legal Description for 3545 Spicer Road Annexation

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

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

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

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

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

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

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

Exhibit 8-A Legal Description for Interstate 5 Annexation

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

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

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

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

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

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

Exhibit 1-B Map of Century Drive Annexation

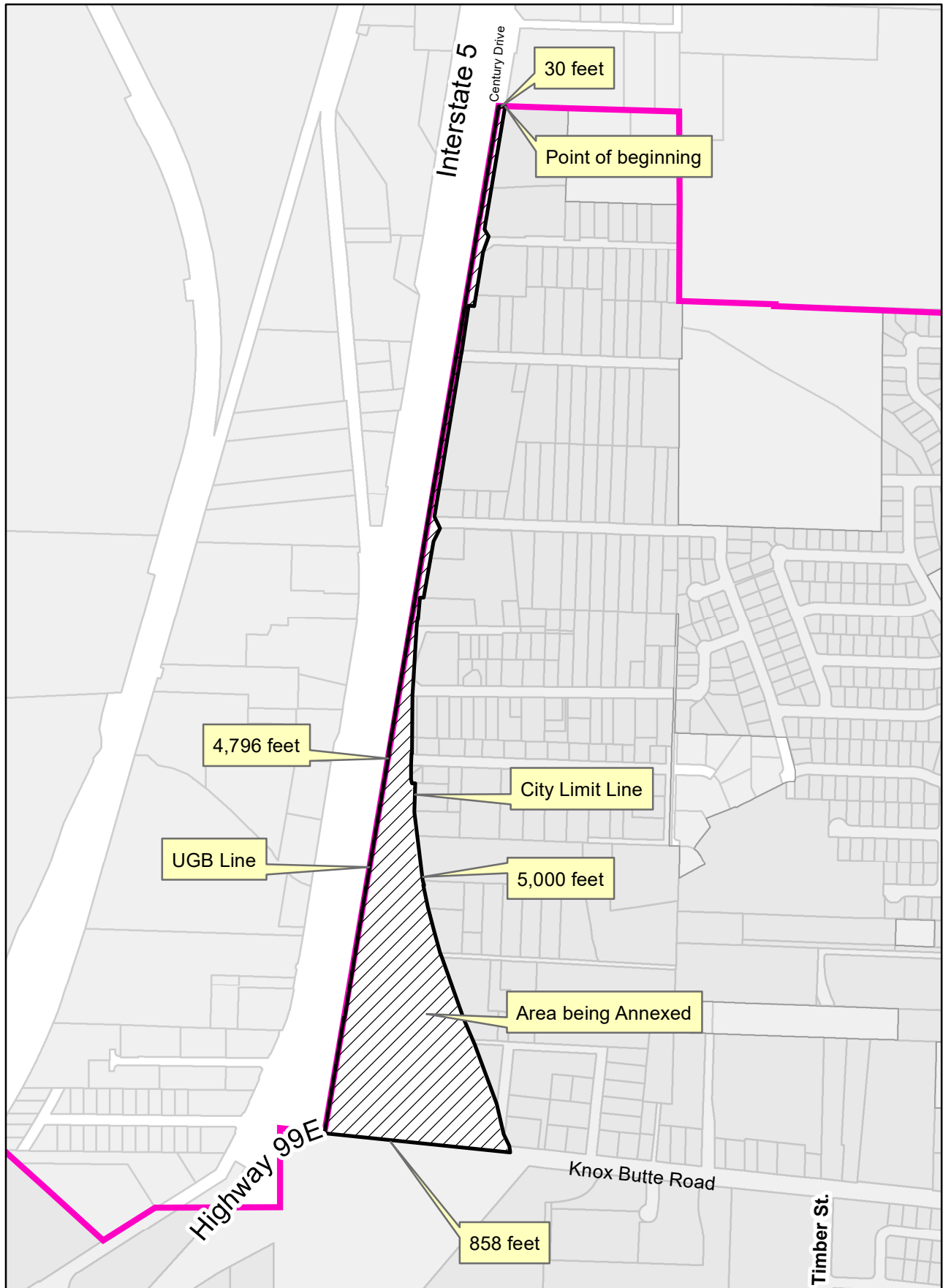


Exhibit 2-B Map of 4580 & 4610 Knox Butte Road Annexation



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

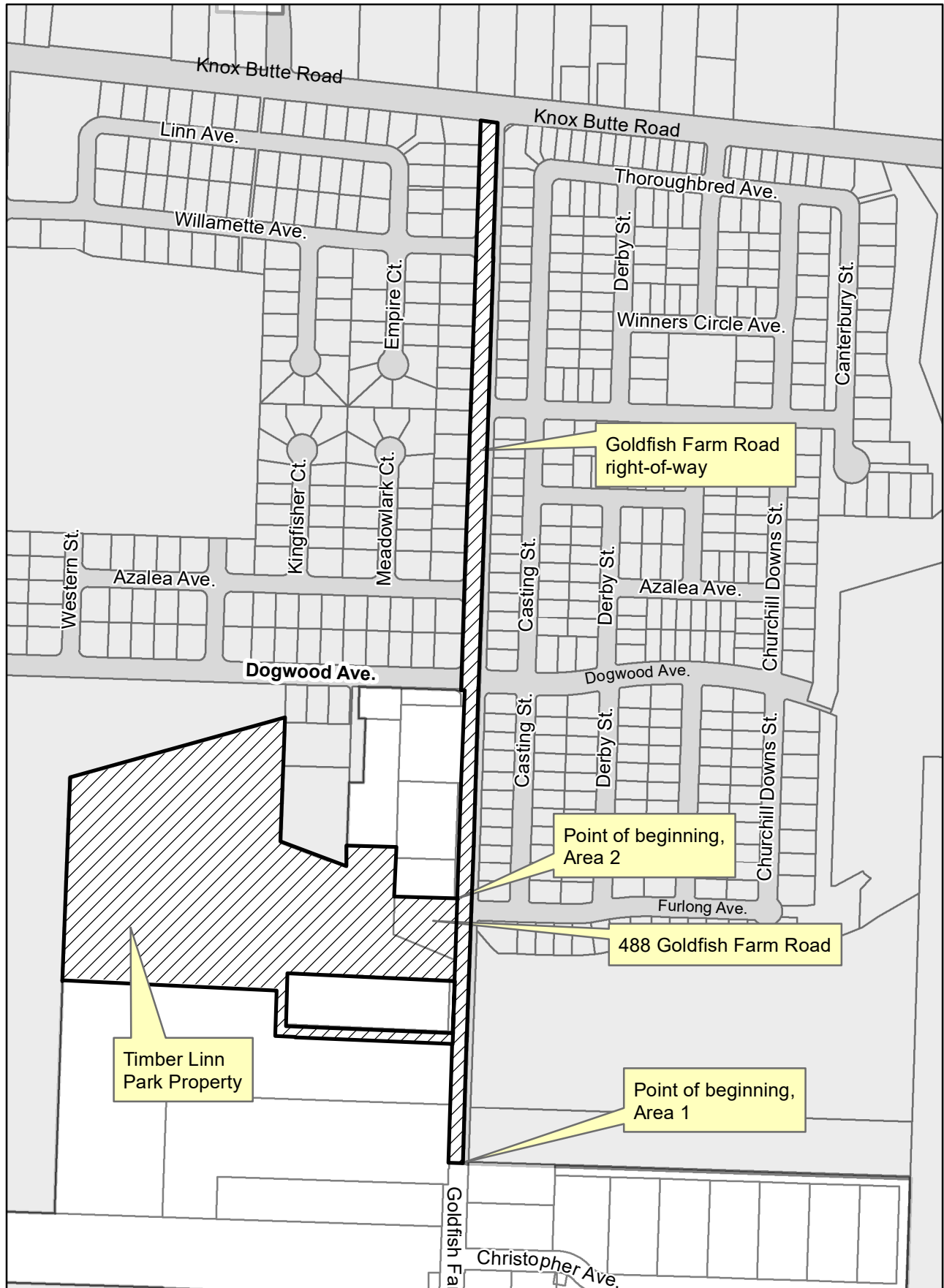


Exhibit 4-B Map of 937 Goldfish Farm Road Annexation



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

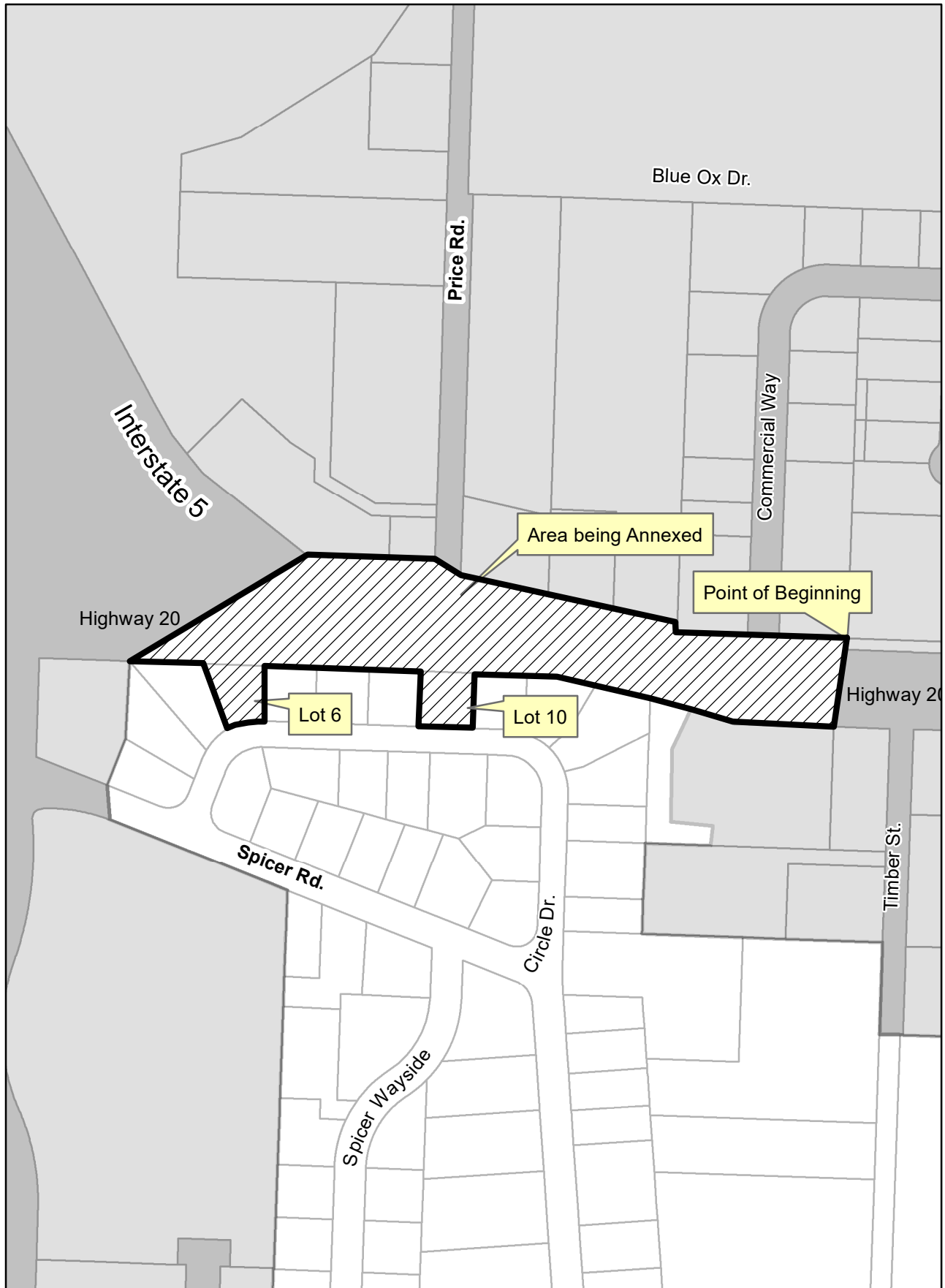


Exhibit 6-B Map of 3545 Spicer Road SE Annexation

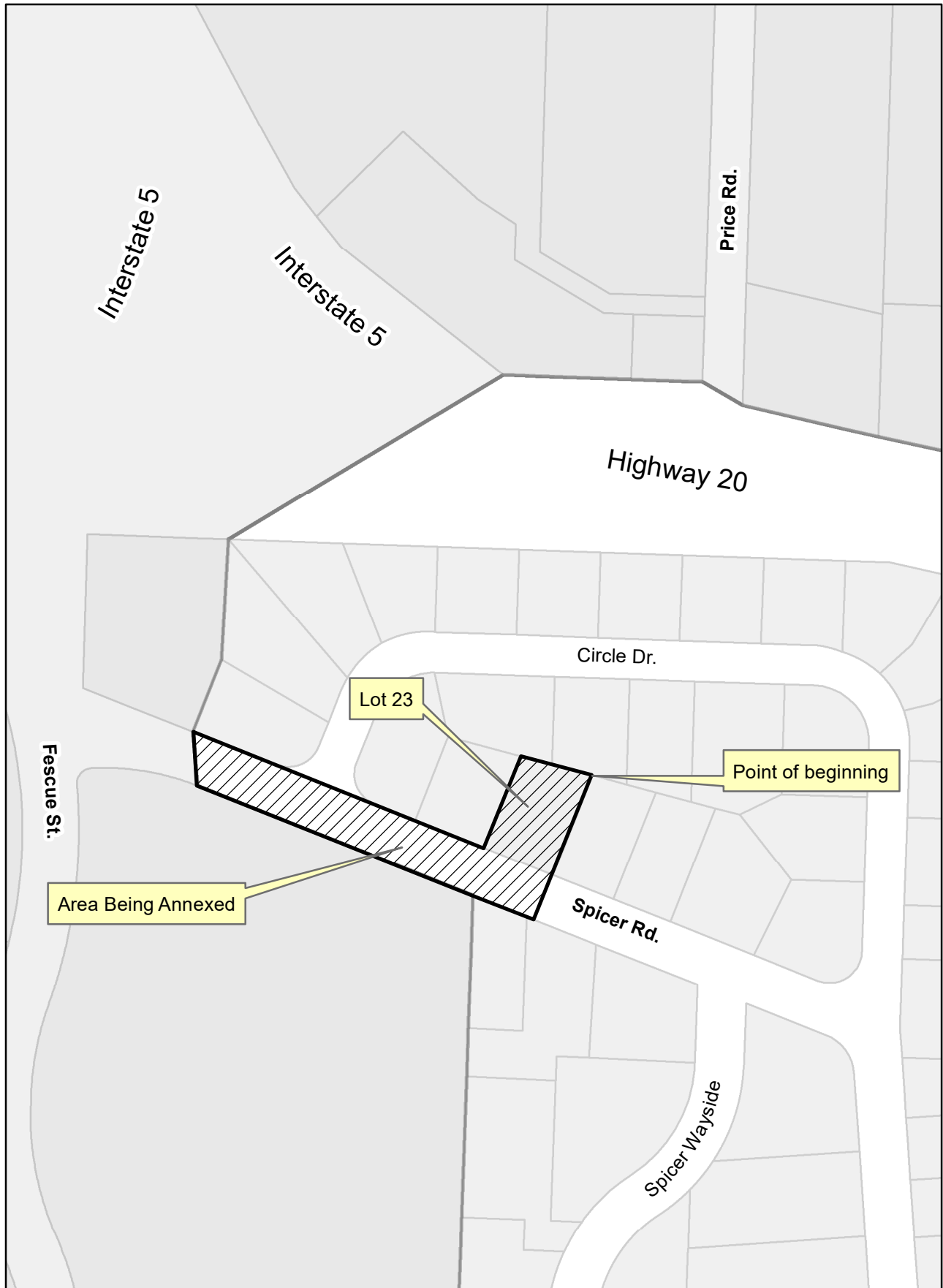


Exhibit 7-B Map of 3815 Spicer Drive area Annexation



Exhibit 8-B Map of I-5 Annexation

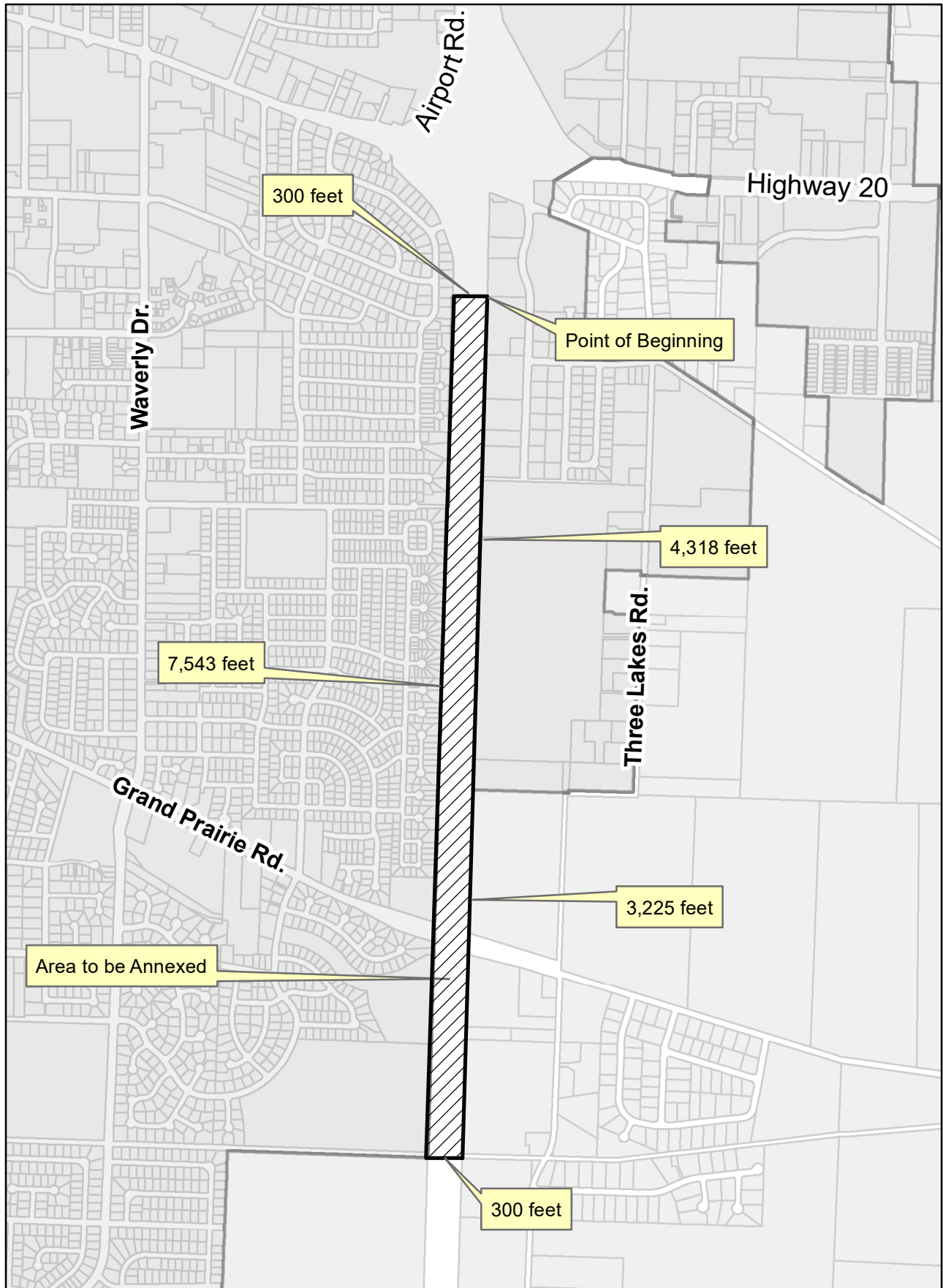
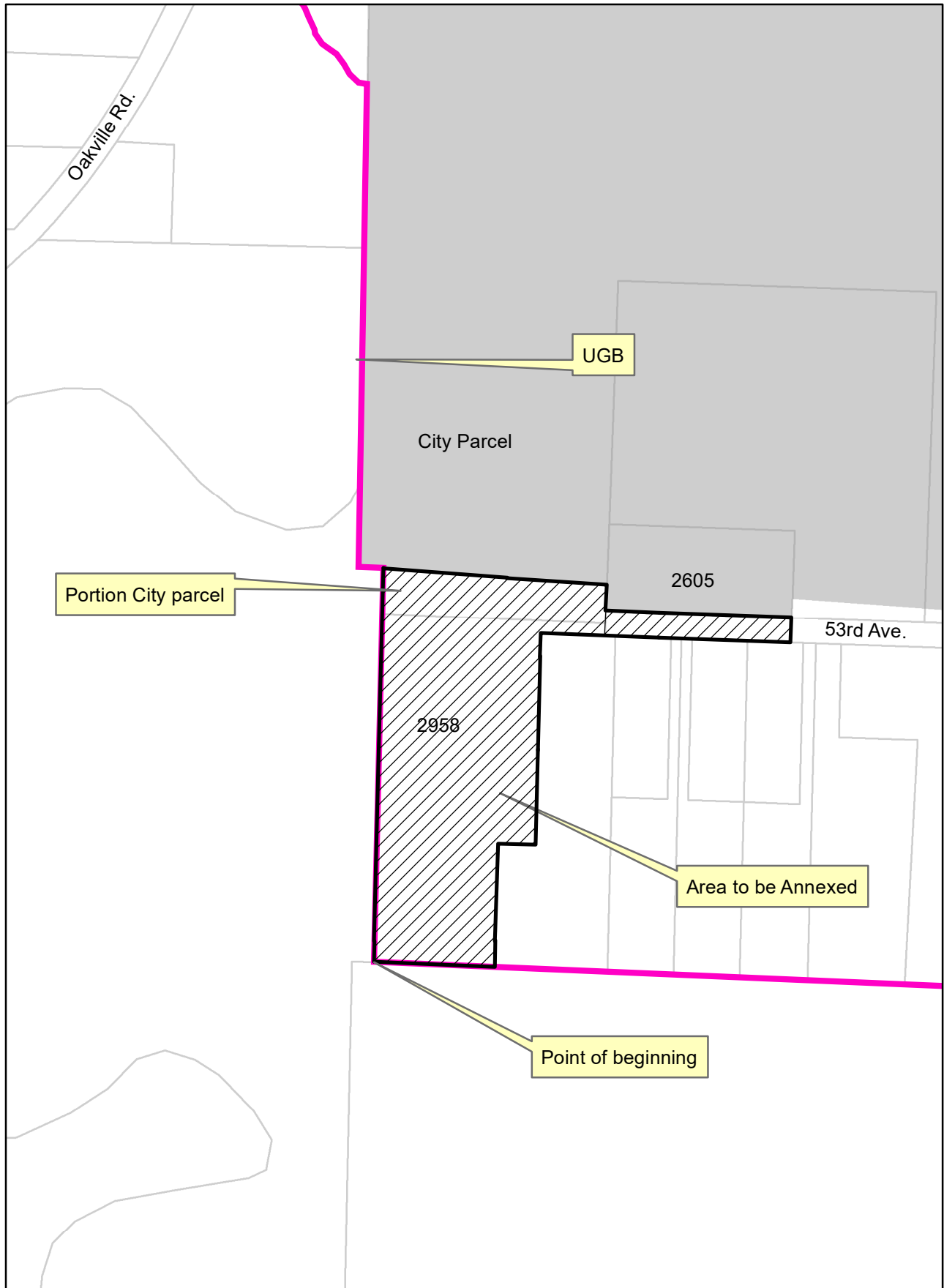



Exhibit 9-B Map of 2958 53rd Avenue Annexation





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager 

FROM: Jeanna Yeager, Finance Director
Diane Murzynski, Contracts and Procurement Officer

DATE: December 27, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Amend Albany Municipal Code (AMC) Chapter 2.66 Procurement

Relates to Strategic Plan theme: Effective Government

Action Requested:

Staff requests that the Council approve an ordinance amending Ordinance 5612 and AMC Chapter 2.66 to modify the price thresholds for small and intermediate goods and services, personal services, and small public improvement contracts; revise the value of procurements that require city council approval; and adopt alternate methods to advertise procurement solicitations and receive bids and proposals by electronic means.

Discussion:

Chapter 2.66 Procurement was established February 2005 by Ordinance No. 5612, which was adopted as the City's public contracting rules and AMC 2.66.020 provides for the inclusion of supplemental rules, as well as modifications to public purchasing procedures. Senate Bill 1047 was introduced in 2023 to improve equity in public improvement, allow increased opportunities for disadvantaged communities to work, increase outreach to minority-owned businesses, and reduce barriers to contracting offerings by increasing the contracting price thresholds for small and intermediate goods and services, personal services, and small public improvement contracts. The new rules go into effect January 1, 2024, and it is in the best interest of the City to raise the upper limits for small contracts to accommodate these efforts. Parks and Recreation has many scheduled small projects that would benefit immediately from this change, and the associated reduced administrative procedures.

The small goods and services dollar threshold would increase from an upper limit of \$10,000 to \$25,000, and small public improvement contracts would be modified to less than \$25,000, previously less than \$10,000 for a direct award. The raised limits allow more procurement opportunities to be available without the additional restrictions that may be required in competitively bid procurements. The \$150,000 upper limit on intermediate goods and service contracts will remain in place and three competitive quotes will be required for purchases that exceed \$25,000 up to \$150,000. All other procurement sourcing categories will not be affected.

As a result of high inflation rates, staff have reviewed the value of goods and services and public improvement contracts requiring city council approval. Since 2005, the dollar has had an average inflation rate of 2.58% per year, producing a cumulative price increase of 62.16% according to the Bureau of Labor Statistics consumer price index. Using this increase, a \$150,000 contract in 2005 would be \$243,240 today.

Staff are recommending an increase in the value of contracts that require council approval from \$150,000 to greater than \$250,000.

Additional housekeeping changes have been incorporated into the proposed ordinance to correct, clarify, and align with current and upcoming processes, such as including contract authority to award for unforeseen events and incorporation of signature authority.

To reduce costs and maintain fiscal responsibility, we have reviewed alternate methods to reduce advertising costs while selecting a statewide method of communication to advertise, solicit and notice City procurement opportunities to all prospective bidders and parties. ORS allows public notice of bids and proposals to be published by electronic means if found cost-effective. The cost to advertise in the Albany Democrat-Herald, the local paper, and the Daily Journal of Commerce, a trade journal requirement for many contracts and noticing, was approximately \$21,000 for FY 2023. To reduce these costs, the department proposes using the City's website for posting, the State of Oregon procurement site, and other electronic bulletin boards that sweep the City's site weekly for new opportunities and pass them to their interested suppliers.

ORS also allows contracting agencies to receive bids and proposals by electronic means and permits bidders and proposers to submit their responses to a solicitation by electronic means. This is a cost saving method that is being passed on to the public and contractors by the City. Contractors are invited to the electronic bid opening in lieu of in person attendance.

Therefore, it is in the City's best interest to increase the price thresholds for small and intermediate goods and services, personal services, and small public improvement contracts, increase the value of contracts awarded by the city council, utilize alternate advertising methods in compliance with ORS and receive bids and proposals from responders and conduct public openings by electronic means.

Budget Impact:

None.

DM

Attachment - Ordinance



ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE 5612 AND AMC CHAPTER 2.66 TO MODIFY THE PRICE THRESHOLDS FOR SMALL AND INTERMEDIATE GOODS AND SERVICES, PERSONAL SERVICES, AND FOR SMALL PUBLIC IMPROVEMENTS; REVISE THE VALUE OF PROCUREMENTS THAT REQUIRE CITY COUNCIL APPROVAL; ADOPT ALTERNATE METHODS TO ADVERTISE PROCUREMENT SOLICITATIONS AND RECEIVE BIDS AND PROPOSALS BY ELECTRONIC MEANS

WHEREAS, AMC Chapter 2.66, Procurement, was established February 23, 2005, resulting from the State of Oregon's update to the Public Contracting Code; and

WHEREAS, the City adopted the Attorney General's Model Rules, Division 46, 47, 48 and 49, and defined under ORS 279A, 279B and 279C, as the City's Public Contracting Rules; and

WHEREAS, in addition to the Model Rules, AMC 2.66.020 provides for the inclusion of supplemental rules, as well as modifications to public purchasing procedures; and

WHEREAS, Senate Bill 1047 was introduced to improve equity in public improvement, allow increased opportunities for disadvantaged communities to work, increase outreach to minority-owned businesses, and reduce barriers to contracting offerings; and

WHEREAS, SB 1047 modifies the contracting price thresholds for small and intermediate goods and services, personal services, and for small public improvement contracts and the application of solicitation and procurement methods for public contracts, effective January 1, 2024; and

WHEREAS, it is timely to review the value of goods and services and public improvement contracts awarded by the city council since the cost of living has increased significantly since 2005; and

WHEREAS, the expense for advertising procurement opportunities in the local paper and trade newspaper have risen and ORS allows for electronic posting and public notice of bids and proposals if found cost-effective; and

WHEREAS, ORS allows contracting agencies to receive bids and proposals by electronic means and permits a bidder or proposer to submit their response to a solicitation by electronic means; and

WHEREAS, it is in the City's best interest to modify the price thresholds for small and intermediate goods and services, and personal services and small public improvement contracts, increase the value of contracts awarded by the city council, utilize alternate advertising methods in compliance with ORS, and receive bids and proposals from responders and conduct public openings by electronic means.

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

Section 1: Albany Municipal Code Chapter 2.66, Procurement, is hereby modified and amended to include the following:

2.66.020 Authority

- (1) Except as provided herein, or by subsequent Ordinance or Resolution, the Model Rules, Division 46, 47, 48 and 49, adopted by the Attorney General under ORS 279A, 279B and 279C as they now exist,

and as they may be amended in the future, and in the Albany Municipal Code, are hereby adopted as the City's Public Contracting Rules. Words and phrases used by these rules that are defined in ORS subchapters 279A, 279B and 279C and in the Model Rules have the same meaning as defined in ORS subchapters 279A, 279B and 279C and the Model Rules. In the event that rules adopted by the Local Contract Review Board do not address a particular situation, the Model Rules apply. The terms of this chapter shall **revise or** supplement the Model Rules. In the event of a conflict between this chapter and the Model Rules, this chapter shall control.

- a. **Except as otherwise expressly provided in ORS 279B, the procedures used to solicit and award contracts for small and intermediate goods and services, and personal services; and ORS 279C public improvement contracts, specifically small contracts, will incorporate the following modifications:**
 - i. **Small procurement: (1) A contracting agency may award a public contract for goods or services and personal services that does not exceed \$25,000 in any manner the contracting agency deems practical or convenient, including by direct selection or award.**
 - ii. **Intermediate procurement: (1) A contracting agency may award a procurement of goods or services and personal services that exceeds \$25,000 but does not exceed \$150,000 in accordance with intermediate procurement procedures. When conducting intermediate procurement, a contracting agency shall seek at least three informally solicited competitive price quotes or competitive proposals from prospective contractors.**
 - iii. **Public improvement contracts: (1) A contracting agency may award a public improvement contract without competitive bids if the public improvement contract has a value of less than \$25,000.**
- (2) Except as provided herein the Model Rules adopted by the Attorney General under ORS 279A, 279B and 279C (the "model rules") do not apply.
- (3) AMC 2.66.~~030~~ **010** through 2.66.~~080~~ **100** are adopted as the City's public contracting rules.

2.66.030 Local Contract Review Board/Contracting Agency

The City Council of the City of Albany is designated and shall continue as the local contract review board under the State of Oregon Public Contracting Code. The Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code, the Model Rules, or the Albany Municipal Code. Except as may be specified in Albany Municipal Code Sections 2.66.~~030~~ **010** through 2.66.~~080~~ **100** the City Manager is designated as the City's "Contracting Agency" as that term is defined in ORS 279A.010(1b). With the authorization of the City Manager, **the Deputy City Manager, the Chief Financial Officer/Assistant City Manager, the Finance Director,** or any other department director may be delegated the power and authority of the "Contracting Agency" for purposes of contracting powers and duties assigned to the City of Albany as a "Contracting Agency" under the State of Oregon Public Contracting Code or the Model Rules. Except as otherwise provided in these rules, the powers and duties of the local Contract Review Board, under the Public Contracting Code, shall be exercised and performed by the City Council of the City of Albany and all powers and duties given or assigned to Contracting Agencies by the Public Contracting Code shall be exercised or performed by the City Manager. ~~or his/her designee~~ **The City Manager, acting as Contracting Agency, may award a contract requiring City Council approval should conditions exist that require an immediate purchase and the City Council is unable to approve the contract award. A report shall be submitted by the department to the City Council to confirm the contract award at the next regularly scheduled meeting.**

2.66.040 Contracts that Require City Council Approval

Notwithstanding any other provision of this ordinance, ~~large procurements, as defined herein,~~ **that** require City Council approval prior to execution ~~Large procurements mean~~ **shall include** procurements of goods, services, **personal services**, or public improvements with a value in excess of ~~\$150,000~~ **\$250,000** and change orders or amendments to such contracts which in the aggregate exceed 10% of the original amount except for the personal services contract with the City Attorney, which shall be executed by the City Manager. The City Council will also approve the contract with the Municipal Judge. **Department directors have authority to sign all contracts, agreements, proposals, intergovernmental agreements, and memorandum of understanding within the scope of their supervisory duties between the City and other parties.**

2.66.060 Exempt Contracts

Except as may be modified by AMC 2.66.030 ~~010~~ through 2.66.080 ~~100~~, the following classes of public contracts are hereby exempted from competitive procurement and may be awarded in any manner **that is fiscally responsible** which the City Manager deems appropriate including direct appointment or purchase:

- (1) Any contract exempted by the State of Oregon Public Contracting Code or model rules including the following classes of contracts specifically exempted by the State of Oregon Public Contracting Code or model rules: ORS 279A.025, "Application of Public Contracting Code"; ORS 279A.180, "Purchases Through Federal Programs"; ORS 279A.190, OAR 137-046-0130, "Transfers of Fire Protection Equipment Between Fire Departments"; ORS 279A.200 et seq., "Cooperative Procurement"; and ORS 279A.220, "Interstate Cooperative Procurements."
- (2) Any agreement or condition of approval entered into with or required by the City of Albany for carrying out conditions of approval of a land use decision of the City of Albany. The term "land use decision" has the meaning provided by ORS 197.015.
- (3) In the event of an emergency involving an immediate hazard to the public health, safety, or welfare, the City Manager, the **Deputy City Manager, the Finance Director, Chief Finance Officer**, or Public Works Director may secure necessary goods and/or services without a formal competitive selection process. For any emergency contract in excess of ~~\$150,000~~ **\$250,000** the local contract review board at a regularly scheduled meeting, within 30 days of the procurement, will be furnished with a full report of the circumstances and costs of the materials and/or services secured, and the method used for the selection of the particular contractor.
- (4) Contracts for the purchase of copyrighted materials where there is only one supplier available within a reasonable purchase area for such goods.
- (5) Contracts for the purchase of advertising, including that intended for the purpose of giving public or legal notice.
- (6) Contracts for the purchase of services, equipment or supplies for maintenance, repair or conversion of existing equipment if required for efficient utilization of such equipment.
- (7) Contracts for the purpose of investment of public funds or the borrowing of funds.
- (8) Purchases of goods or services pursuant to a requirements contract which was established by a formal competitive selection process. Purchases may also be made at prices established by a requirements contract or other agreement between another public body and a contractor if the requirements contract was established by a formal competitive selection process **and allowed for other public entity use.**
- ~~(9) Contracts for purchase or sale of services, materials or products traditionally provided by the City.~~
- (9)** Contracts for the purchase of goods or services where the rate or price for the goods or services being purchased is established by federal, state or local regulating authority.

(10) Any other contract (including brand name specification contracts) where the public interest would be promoted by exempting the contract from the competitive bidding process; provided, that the Contract Review Board adheres to the Public Contracting Code and the model rules in making the exemption.

2.66.100 Use of Electronic Means for Solicitation, Notices, and Submittal Response

Notices, solicitations and advertisements of procurement opportunities or awards shall use electronic means of communication with interested bidders and parties in compliance with ORS allowable advertising and public notice options, such as posting on the City's website, the State of Oregon procurement site, and other electronic bulletin boards. If the public contract requires additional publications in a trade journal of statewide publication, notices shall be posted with the Daily Journal of Commerce for compliance with effective distribution of opportunities to suppliers and outreach to disadvantaged business enterprises. Electronic delivery will be made available for bidders and proposers to submit their response to procurement opportunities and electronic means may be used for receipt of bids and proposals and for conducting public procurement bid/proposal openings.

Passed by the Council: _____

Approved by the Mayor: _____

Effective Date: _____

Mayor

ATTEST:

City Clerk



MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT/12*

FROM: Kim Lyddane, Parks and Recreation Director

DATE: December 19, 2023, for the January 10, 2024 City Council Meeting

SUBJECT: Clarifying Parks System Development Charge (SDC) for Accessory Dwelling Units and Multi-Family Units.

Action Requested:

Council approval of a resolution to adopt the updated parks system development charge (SDC) to clarify fees for accessory dwelling units and multi-family units.

Discussion:

In June 2023, Council passed rates for Parks System Development Fees based on an updated methodology that was reviewed and adopted on May 25, 2022. Updated single-family unit rates are 49% of the maximum allowable to bring Albany more in line with surrounding, comparable communities. The fees for single-family units scale to square footage resulting in smaller fees for smaller homes and larger fees for larger homes. Single family units include detached single-dwelling houses, cottages/tiny homes, manufactured homes, and single family attached dwellings referred to as townhouses in Albany Development Code.

As more non-single-family units are encouraged and planned for, staff want to clarify rates for accessory dwelling units and multi-family units. Using the same methodology that was approved by the Council on May 25, 2022, there are set fees for both types of units. For accessory dwelling units, a fee of \$2,240.96 will be assessed based on an average of 1.07 residents per unit. For multi-family units, including duplexes, triplexes, fourplexes and apartments, a unit fee of \$3,855.06 will be assessed based on an average of 1.84 residents per unit. These fees support the Council's goal of encouraging smaller, more affordable housing.

Budget Impact:

Due to the nature of development and not knowing the type or square footage of future homes to be built, an exact figure is not outlined. Regardless, the updated rates will allow for the department to better maintain current parks and amenities while saving for future development.

KL

Attachments: resolution



A RESOLUTION REVISING PARK SYSTEM DEVELOPMENT CHARGES, CLARIFYING FEES FOR ACCESSORY DWELLING UNITS AND MULTI-FAMILY UNITS, AND REPEALING RESOLUTION 7246.

WHEREAS, through the previous adoption of ordinances establishing and amending Albany Municipal Code 15.16 regarding system development charges (SDC), the Albany City Council has declared its intent to comply with the provisions of ORS 223.297 through 223.314; and

WHEREAS, a methodology for the calculation of an improvement and reimbursement fee SDC for the parks and recreation system in Albany has been developed as specifically described in the document reviewed and adopted on May 25, 2022; and

WHEREAS, the adopted methodology resulted in a maximum allowable fee of \$4,266 per resident or \$11,416 per the single-family dwelling Equivalent Residential Unit (ERU) when indexed to the Engineering News Record (ENR) Seattle Construction Cost Index (CCI) for November 2020; and

WHEREAS, instead of ramping to the maximum allowable fee per resident, the city's assessed parks SDC fees will be based on \$2,094.35 per resident, which is 49 percent of the maximum allowable SDC fee per resident in the May 25, 2022, adopted methodology; and

WHEREAS, the assessed SDC fee for single-family dwellings is based on the adopted methodology, which is scaled to house size up to a maximum amount so that smaller houses will have smaller fees and larger homes will have larger fees, at a base fee of \$1,977.56 plus \$1.39 per square foot up to \$5,604.84 per single-family dwelling unit; and

WHEREAS, single family dwelling units include detached single-dwelling houses, cottages/tiny homes, manufactured homes, and single-family attached dwellings referred to as Townhouses in the Albany Development Code; and

WHEREAS, the scaled rate for Albany's average size dwelling (2,250 square feet) is comparable to parks SDC fees assessed in comparable cities in the Willamette Valley (Corvallis, Lebanon, Eugene, Springfield, and Salem);

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that Resolution No. 7246 is hereby repealed as of the effective date of the revised charges; and

BE IT FURTHER RESOLVED that a set fee based on the approved methodology of 1.84 residents per multi-family dwelling at \$3,855.06 per unit will be assessed and applies to units in duplexes, triplexes, fourplexes and apartments; and

BE IT FURTHER RESOLVED that a set fee based on the approved methodology of 1.07 residents per Accessory Dwelling Unit will be assessed at \$2,240.96 per unit.

DATED AND EFFECTIVE THIS 10TH DAY OF JANUARY 2024.



Mayor

ATTEST:

City Clerk



MEMO

TO: Albany City Council
VIA: Peter Troedsson, City Manager 
FROM: Kinzi McIntosh, Central Services Support Specialist 
DATE: December 29, 2023, for the January 10, 2024, City Council Work Session

SUBJECT: Resignation from Citizen Advisory Groups
Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council acceptance of the following resignations:

Planning Commission:

- Sonja Neperud (position appointed by Mayor Alex Johnson II; current term expires 12/31/25)

Discussion:

Sonja Neperud has notified the City of her resignation from the Planning Commission. Mayor Johnson II's appointment to fill this vacancy has been submitted as a separate memo.

Budget Impact:

None.

KM

Attachments 1

McIntosh, Kinzi

Subject: FW: Resignation

From: Sonja Neperud <sonjaneperud@aol.com>

Sent: Friday, December 29, 2023 4:59:21 AM

To: Johnson II, Alex <alex.johnson2@albanyoregon.gov>; Johnson II, Alex <alex.johnson2@albanyoregon.gov>; Martin, Kaitlin <Kaitlin.Martin@albanyoregon.gov>

Subject: Resignation

[WARNING! This email came from outside our organization. Do NOT click unknown attachments or links in email.]

Good morning,
Please accept this email as my written resignation from the Planning Commission and Community Development Commission.

Thank you,

Sonja Neperud



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT/12*

FROM: Kinzi McIntosh, Central Services Support Specialist *KM*

DATE: December 26, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Appointments to Citizen Advisory Groups
Relates to Strategic Plan theme: An Effective Government

Action Requested:

Council ratification of the following appointments and reappointments (unless otherwise noted, applications are attached in the order listed):

Airport Advisory Commission

- Nathan Ahrens, Ward 3 (Councilor Smith's appointment to a new three-year term)

Arts Commission

- Carolyn McLeod Wagner, Ward 2 (Councilor Kopczynski's reappointment to a new three-year term)
- Sandra Alma, Ward 1 (Mayor Alex Johnson II's appointment to a new three-year term)

Budget Committee

- Cye Larson, Ward 2 (Councilor Kopczynski's appointment to a new four-year term)

Community Development Commission (appointments by Mayor Alex Johnson II)

- John Robledo, at-large representative, Ward 3 (reappointed to a new three-year term)

Planning Commission

- Stacey Bartholomew, Ward 2 (Councilor Montague's reappointment to a new four-year term)
- Kenny Larson, Ward 1 (Mayor Alex Johnson II's appointment to a new four-year term)
- Ted Bunch, Jr., Ward 2 (Mayor Alex Johnson II's reappointment to a new four-year term)
- Skylar Bailey, Ward 3 (Mayor Alex Johnson II's appointment to fill a vacancy; term expires 12/31/25)

Public Safety Commission

- Kevin Kreitman, Ward 2 (Mayor Alex Johnson II's reappointment to a new four-year term)
- Nick Fowler, Rural Fire District Representative (*no application attached*)

Tourism Advisory Committee

- Sharon Konopa, Ward 2 (Councilor Kopczynski's reappointment to a new three-year term)
- Nick Andrews, Ward 3 (Councilor Smith's appointment to fill a vacancy; term expires 12/31/26)

Discussion:

Mayor and councilor appointments for any remaining vacancies on the City’s citizen advisory groups will be submitted for approval at subsequent city council meetings.

Budget Impact:

None.

KM

Attachments 12



Citizen Advisory Group Application

Applying To Airport Advisory Commission

Received November 11, 2023

Name Nathan (Nathan) Ahrens

In City Limits? Yes (Ward 3)

Are you currently employed? Yes (Randstad Digital)

List current or most recent occupation, business, trade, or profession:

Software Engineer Lead

Please summarize what qualifications and experience you have that would apply to this position:

- Engineering Lead of about 14 engineers for Randstad (software contracting firm)
- Founded and ran Metrelus, Inc; a self-funded startup with a team of engineers. Patent pending, partnerships with Oregon RAIN and Oregon State University's Accelerator program. Received some state and federal funding. Lots of presentations, corporate accounting and record taking; all of which can be leveraged here.
- Worked my own LLC for a while doing embedded software freelance work
- B.S. Electrical and Computer Engineering at OSU
- Oregon born, and I'm never leaving

Please detail your knowledge and experience with aviation.

Not much! I have about 60 hours of flight time, and own a light sport currently on the tarmac there at S12.

I've been through the entire 2016 Master Airport Plan (all 300+ pages), with focus around future expansion, and would like to help nudge in this direction, or any direction taking us forward.

List community/civic activities in which you are or have been active:

Volunteering and foster parent at SafeHaven Humane Society

Do you have a significant financial interest in the commission's airport considerations?

No

How many Airport Advisory Commission meetings have you attended/viewed?

1-3

What is your understanding of the role of an Airport Advisory Commission member and what contributions do you hope to make to the commission?

I've observed a meeting, and it seems to be a combination of volunteer (unpaid) work, and becoming familiar and voting on resolutions relating to the airport. I expect to do both.

There's a representative from the local school (Tony) and from the city (Robb), whom we work with to guide the airport forward.

How would you improve the management and operation of the Albany Municipal Airport?

As a lead for a contracting firm that helps big companies complete their projects (like GE Aviation, for example), my most valuable skill is being able to walk into something huge and incomplete, rapidly coming up to speed, defining a plan, executing on it, and leading others to the same goal.

I've done this for my contracting firm multiple times, securing them projects. Running a startup, securing funding, and rapidly coming up to speed on business and legal logistics is something I had to do as well.

It's this skill set; being comfortable and proactive on the unknown, that is most valuable to me and my employers (and our clients), to me personally, and will be on this board as well.

As an electrical and software engineer, I prefer projects; with a timeline. There should always be a goal, and we should always frame our work towards completing it.

Have you reviewed the meeting schedule for the commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

On the city's airport website; I was looking to join the next meet over Zoom and saw an opening.





Citizen Advisory Group Application

Applying To Arts Commission

Received October 26, 2023

Name Carolyn McLeod Wagner

In City Limits? Yes (Ward 2)

Are you currently employed? No

List current or most recent occupation, business, trade, or profession:

Active Community Volunteer

Please summarize what qualifications and experience you have that would apply to this position:

I currently serve as an Albany City Arts Commissioner, and wish to renew my term. As a journalist in the United States Army I was trained in photography and digital arts as well as written journalistic media. At the Defense Information School at Fort Meade Maryland, I received the second place award for photography of all the journalism students that year.

Currently I help produce digital graphic art media content and write press releases for the Linn County Democratic Central Committee (LinnCoDems) as a member of their Communications Committee. I also perform social media monitoring and content productions for not only the LinnCoDems, but for the Creating Housing Coalition (CHC) as a member of their Communications Committee.

Creativity is important in my life. I enjoy creating art with textile media including quilting, fashion design, and soft-sculpture doll making. Recently I spent approximately 20 hours altering a ball gown, sewing it by hand, to tailor it for a special event. Since becoming an Albany City Arts Commissioner, I have begun to paint acrylic on canvas, creating wall art as a form of therapeutic relaxation to help relieve stress. Performing arts was an important part of my childhood, and I was frequently a member of various youth performing arts groups.

I am a member of the LinnCoDems Platform and Resolutions Committee, as well as the Fifth Congressional District delegate to the Platform and Resolutions Committee of the Democratic Party of Oregon (DPO). I am also a member of the DPO Fifth Congressional District Executive Committee.

Please list any art organizations to which you belong or community art activities in which you have participated. If you do not have an arts background, list community/civic activities in which you are or have been active:

I am active with LinnCoDems as a Precinct Committee Person, Neighborhood Leader, member of the Communications Committee, Platform and Resolutions Committee, and Events Committee. Currently I serve as a Linn County Delegate to the DPO. I am an Executive Committee Member of Oregon's Fifth Congressional District, and member of the DPO Platform and Resolutions Committee. I wrote a resolution for LinnCoDems that was passed unanimously. As a member of their communications team, I create digital art and written communications for their social media pages.

I have volunteered with Habitat for Humanity on a local build site, as well as with the Creating Housing Coalition. I see the beauty in architecture, and appreciate the math and science that come together to create beautiful, functional buildings. Over the past year I have created several street chalk art murals throughout downtown Albany, and at DPO events.

How many Arts Commission meetings have you attended/viewed?

7 or more

Why do you feel that local art is important?

Local art is important because it often represents the cultural identity, history, and traditions of the community. It can serve as a way to showcase and preserve the cultural heritage of it's region. Local art allows people to express their cultural identity in a creative and engaging way, allowing others to see our area and its heritage through someone else's eyes.

Through not just representation, but also community engagement, local art serves as a way for a community to come together and foster an identity with shared culture.

The economic impact of local art can have a profound effect on the community. It creates jobs for local artists, and generates revenue for the local economy through art sales, exhibitions, and festivals.

Local art can provide valuable educational opportunities for people of all ages. It helps promote creativity and critical thinking. Local art can inspire people to learn more about the history, culture, and people of our community.

What is your understanding of the role of an Arts Commission member and how do you hope to impact the local arts community through being on commission?

The Arts Commission implements the City Hall Arts Master Plan and advises the City Council on issues related to public art.

I hope to continue to bring a fresh perspective and viewpoint to this commission. I hope to help with the commission of several murals throughout Albany.

Have you reviewed the meeting schedule for the commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this position, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Both Ward 2 Councilors





Citizen Advisory Group Application

Applying To Arts Commission

Received November 8, 2023

Name SAUNDRA ALMA

In City Limits? Yes (Ward 1)

Are you currently employed? Self-employed

List current or most recent occupation, business, trade, or profession:

I teach stained glass classes and I create stained glass

Please summarize what qualifications and experience you have that would apply to this position:

AP Art classes throughout education. I create everything from Jewelry, dioramas, wall murals, painting and drawings. Currently teaching stained glass classes within the community. Previous careers included Research & Development Laboratory Manager so I am capable of handling office/managerial/technical work as well.

Please list any art organizations to which you belong or community art activities in which you have participated. If you do not have an arts background, list community/civic activities in which you are or have been active:

Cancer survivor - am currently cancer free and trying to get more involved in the community which is why I am applying.

If you would like to provide more information related to your qualifications and experience, please attach a file:

[saundraalmacurrent.doc \(https://cityofalbany.wufoo.com/cabinet/584da615-90d7-4dcf-a726-b1530d133876\)](https://cityofalbany.wufoo.com/cabinet/584da615-90d7-4dcf-a726-b1530d133876)

How many Arts Commission meetings have you attended/viewed?

1-3

Why do you feel that local art is important?

It puts a spotlight on the pulse of the community which is art and beauty.

What is your understanding of the role of an Arts Commission member and how do you hope to impact the local arts community through being on commission?

I am a builder and creator of all things. I bring groups of people from all walks of life together with a common purpose. I know of many smaller lesser known artists that I can bring recognition to while building a closer community

Have you reviewed the meeting schedule for the commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Online





Citizen Advisory Group Application

Applying To **Budget Review Committee**

Received **December 21, 2023**

Name **Cye Larson**

In City Limits? **Yes (Ward 2)**

Are you currently employed? **Yes (Cambia Health Solutions)**

List current or most recent occupation, business, trade, or profession:

Quality Assurance

Please summarize what qualifications and experience you have that would apply to this position:

In my work with the Clinical Operations department at Cambia (Regence Health Insurance Plans), I audit case creations for Prior-Authorizations. Managing regular team projects, workplans and documentation; actively collaborating with peers for process improvement. Certified Practitioner of Human Centered Design.

List community/civic activities in which you are or have been active:

I recently completed my term as a committee member on the Central Albany Revitalization Area Advisory Board. Working from home has its perks, but I do not have a lot of opportunities to engage with my community. Serving on a committee helps me to feel like I am part of the city that I love.

Are you a registered voter?

Yes

How many budget review committee meetings have you attended/viewed?

None

What is your understanding of the role of a budget review committee member and what contributions do you hope to make to the committee?

Reviewing, analyzing and interpreting data to discuss and come to a consensus on next best steps.

What is your experience in reviewing or preparing a large-scale budget?

In my previous roles working for Head Start in both Lane and Linn counties, I attended board meetings and participated in budget analysis. In 2016 I attended the NHSA conference in Washington DC to discuss the 2020-2025 Region 10 budget. I have not had the opportunity to prepare a large-scale budget, however, I am familiar with reviewing and analyzing the materials to participate in discussions to make determinations.

How would you make sure that the budget aligns with the City's Strategic Plan?

By asking clarifying questions, discussing and listening.

Cities face many challenges as we attempt to meet the demands of our growing communities. What role can the budget review committee play in assisting the City in meeting those challenges?

Listen to citizens, follow policy and procedure and encourage people with questions and ideas to attend meetings.

Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Ray Kopczynski encouraged me to apply.





Citizen Advisory Group Application

Applying To **Community Development
Commission**

Received **November 28, 2023**

Name **John Robledo**

Ward Limits? **Yes (Ward 3)**

Are you currently employed? **Yes (Oregon Department of
Corrections)**

List current or most recent occupation, business, trade, or profession:

Sr. Human Resources Manager

Please summarize what qualifications and experience you have that would apply to this position:

Bachelors in Business Management

Member of National Society of Leadership & Development

State Certified Human Resources Professional.

Providing expert advice to employee relations division executive leadership team

Supporting HR programs such as hiring, leave administration, investigations, classification & compensation, learning & development.

Serve as a resource to resolve workplace conflicts, performance issues, complaints, appeals, grievances with fairness and objectivity.

Develop & Deliver training on HR related topics to include effective supervision, coaching, complaint processes, veterans preferences, ADA

Foster & Promote the importance of collaboration, inclusion & belonging through a diverse & engaged workforce.

Collaborate with Union representative as appropriate, consult with DOJ employment attorneys

List community/civic activities in which you are or have been active:

Collaboration with Bird Scooters to promote non emission producing & affordable alternative micro mobility transportation within the City of Albany

3 Square food bank, volunteer time along with MGM Resorts Int'l to prepare meals for schools and meal programs for children in need.

Assist in community food bank program through employer & Mano A Mano organization

Assist in AWARE Food Bank through employer through Marion & Polk county.

How many Community Development Commission meetings have you attended/viewed?

7 or more

What is your understanding of the role of a Community Development Commission member and what contributions do you hope to make to the commission?

Over 2023, my understanding of the community development commission has grown. I have learned of the challenges experienced by those who are unhoused and may have many contributing circumstances leading to being unhoused. I have also learned the challenges faced by the commission when making determinations for funding programs that can help but who also share challenges within their operations to be able to provide assistance. I hope that with a broader understanding that I can provide a contributing perspective and detailed questions to further understand the challenges that come with suggested equitable solutions.

Please describe your experience working on housing or economic development issues.

In 2023, I was able to utilize my opportunity as part of the commission to gain valuable experience working on the housing and economic issues within Albany. My experience as a small business in the city has provided experiences and additional insight into many of these issues. I still see businesses struggling to earn income and live in the community, but local businesses only seem to continue recycling the same money into the community resulting in a perpetual restriction on individuals that reside in Albany. The same issues of low wages, minimal opportunities for work and perpetually increasing rents continue to hold individuals down. This city needs more housing as well as more large sized businesses to join the community and offer higher paying wages.

Briefly describe your knowledge of Albany's Community Development Block Program.

Program offers funds to improve communities and benefit lower income individuals and smaller businesses. The funds help to remove or improve environments that have an adverse impact on communities.

What programs or services could be offered or improved for low-income or special needs individuals and families in Albany?

A partnership with business located in Albany that can offer functioning individuals with special needs the opportunity to work/ be included and have a sense of belonging could provide income that may be able to offset some of the services that many organizations struggle to obtain. A special monthly subscription from local businesses that is a donation to a collective bank of funds that business may be able to obtain a tax incentive for with monthly donations as low as \$25 per month - monthly donation subscribers receive recognition and higher monthly donations receive different levels of recognition.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

City of Albany





Citizen Advisory Group Application

Applying To Planning Commission

Received November 1, 2023

Name Stacey Bartholomew

In City Limits? Yes (Ward 2)

Are you currently employed? Self-employed

List current or most recent occupation, business, trade, or profession:

Developer, Construction Manager, Care provider

Please summarize what qualifications and experience you have that would apply to this position:

I have served on the Planning Commission since January of 2023. I served on the Albany City Council from February 2021 until December 2022.

I am currently overseeing the construction of Hub City Village, a grant funded project that is building tiny homes for formerly unhoused and extremely low income individuals and families. This project involved a planning commission review and approval and so I was involved in each step of the process and continue to work with the city on this project. I understand land use regulations and attempt to be in tune with the long range goals of Albany in order to make decisions on land use that comes before the commission.

List community/civic activities in which you are or have been active:

Some activities are listed above.

In addition, I have participated on the Albany City Library Board and worked with the Human Relations Commission on projects. I participate in the Linn County Democrats and on the DAT team with the Albany Police Department.

How many Planning Commission meetings have you attended?

7 or more

What is your understanding of the role of a Planning Commission member and what contributions do you hope to make to the commission?

A commission member needs to understand the land use rules that are in place and should be able to thoughtfully review any projects that come before the commission. In addition, a member should understand how different projects fit within the long range planning goals and be able to communicate with staff to get questions answered.

I bring an affordable housing perspective which is a major part of the goals of the state and city to address. I hope that I can contribute a voice that supports the goal of creating more affordable housing.

How would you typically prepare for or how much time would you anticipate putting into preparing for a Planning Commission hearing?

I would read the materials provided and speak with Mr. Martineau or Anne Catlin, whoever is guiding the process of the meeting if I have questions regarding the information about the project. I would estimate that I would need at least 2-3 hours preparation time for each meeting of the commission.

Assuming a controversial land use issue is before the commission, how would you reconcile your personal opinions and emotions with the policies and regulations established by the Comprehensive Plan, Development Code, and Design Standards? Are you comfortable making decisions that may be deemed unfavorable by some or at odds with your own preferences?

I can't make a decision based solely on my own preferences. I have to use the planning code and those rules to make decisions. I may have preferences, but I have the staff and the code to refer to in order to make a decision and not just what I like.

This position requires that you listen to the public and your fellow commissioners. Do you consider yourself a good listener? How would you describe your personal level of tolerance for views that are different from your own?

I lead a non-profit board that is made up of folks that have a common purpose, but not always the same opinion. My role is primarily one of facilitator which requires listening and accepting the will of the majority. I have not always agreed with some members of the board and they have spoken their opinions vigorously, but I have listened and respected what they had to say and encouraged this same consideration for and from every board member. I have said things that others have not liked, but we have been able to come to agreements through a majority vote on an issue and we move forward.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

The City of Albany is currently conducting public meetings in a virtual only or hybrid format, usually via Zoom videoconferencing. Are you able to commit to attending virtual only or hybrid meetings using your own equipment and internet connection?

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

I am serving on the commission currently.





Citizen Advisory Group Application

Applying To **Planning Commission**

Received **December 13, 2023**

Name **Kenneth (Kenny) Larson**

In City Limits? **Yes (Ward 1)**

Are you currently employed? **Yes (Republic Services)**

List current or most recent occupation, business, trade, or profession:

Municipal Administrator

Please summarize what qualifications and experience you have that would apply to this position:

Having served as a Ward 2 Planning Commissioner (2019-2020) and Community Development Commissioner (2021-2023), I possess valuable experience in guiding Albany's sustainable and responsible growth.

My previous role as Communication Manager for the City of Salem (2016-2019) provided me with firsthand knowledge of effective city planning and communication strategies. This experience, combined with my current role as Municipal Administrator for Republic Services, equips me to navigate Albany's projected growth to 90,000 residents within the next 25-30 years.

Specifically:

Proven experience: My tenure on the Planning and Community Development Commissions demonstrates my commitment and understanding of Albany's planning processes.

Strategic foresight: I understand the challenges and opportunities associated with rapid urban growth, having witnessed firsthand the successful and unsuccessful growth strategies of another city.

Sustainability expertise: Through my current position, I possess a deep understanding of the Department of Environmental Quality's current and future regulations and how they impact city development, enabling me to guide Albany towards responsible waste management practices.

Communication proficiency: My previous communication role instilled in me the importance of clear and transparent communication, vital for engaging the community in planning decisions.

I am confident that my diverse experience, strategic vision, and commitment to sustainability will be valuable assets to the City of Albany Planning Commission.

List community/civic activities in which you are or have been active:

Beyond numerous ad-hoc volunteer activities (FISH Food Drive, Storybook Land, Furniture Share, YMCA & Boys & Girls Club events), I have dedicated my time to formal volunteer roles such as:

City of Albany Planning Commission (August 2019 - July 2020): Contributing to the city's growth and development.

City of Albany Community Development Commission (January 2021 - January 2023): Actively engaged in shaping the community's future by addressing critical gaps in services in our city. Boys & Girls Club Great Futures Ambassador (October 2023 - Present): Passionately advocating for youth empowerment and educational resources.

If you would like to provide more information related to your qualifications and experience, please attach a file:

[klarsonresume2023.pdf \(https://cityofalbany.wufoo.com/cabinet/e47f33c7-d0b4-470c-8fe2-bdf92712051e\)](https://cityofalbany.wufoo.com/cabinet/e47f33c7-d0b4-470c-8fe2-bdf92712051e)

How many Planning Commission meetings have you attended?

7 or more

What is your understanding of the role of a Planning Commission member and what contributions do you hope to make to the commission?

The Planning Commission helps guide growth in the city by provides vital feedback and input to city staff and council as a state required citizen body.

How would you typically prepare for or how much time would you anticipate putting into preparing for a Planning Commission hearing?

I anticipate investing a minimum 2-5 hours reading and understanding packets and agendas before any meeting.

Assuming a controversial land use issue is before the commission, how would you reconcile your personal opinions and emotions with the policies and regulations established by the Comprehensive Plan, Development Code, and Design Standards? Are you comfortable making decisions that may be deemed unfavorable by some or at odds with your own preferences?

Having worked in and with government for 6 years, I am accustomed to making impartial decisions. It is vital to the health of good governance and our community that the planning commission is object in its decisions, especially when laws/rules/guidance is unclear. I am a strong advocate for smart growth in Albany and will always choose what is best for the future of the city as a whole.

This position requires that you listen to the public and your fellow commissioners. Do you consider yourself a good listener? How would you describe your personal level of tolerance for views that are different from your own?

Throughout my career in public, private and not-for-profit organizations I have developed a keen ability to hone-in on the concerns (both spoken and unspoken) brought forward by stakeholders on all sides of issues. I have a thick skin and am adept at communicating in a tactful, professional and compassionate way when there is disagreement.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

The City of Albany is currently conducting public meetings in a virtual only or hybrid format, usually via Zoom videoconferencing. Are you able to commit to attending virtual only or hybrid meetings using your own equipment and internet connection?

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Mayor Johnson



Citizen Advisory Group Application

Applying To **Planning Commission**

Received **December 4, 2023**

Name **Theodore (Ted) Bunch**

In City Limits? **Yes (Ward 2)**

Are you currently employed? **Yes (Oregon OSHA)**

List current or most recent occupation, business, trade, or profession:

Technical Specialist

Please summarize what qualifications and experience you have that would apply to this position:

I have served on the Planning Commission for the past three years.

List community/civic activities in which you are or have been active:

**Former volunteer basketball coach - ABGC
Member - NAACP**

If you would like to provide more information related to your qualifications and experience, please attach a file:

[resume_2023.docx \(https://cityofalbany.wufoo.com/cabinet/8d5a05ea-3c13-4ce6-a5ce-4222245f4137\)](https://cityofalbany.wufoo.com/cabinet/8d5a05ea-3c13-4ce6-a5ce-4222245f4137)

How many Planning Commission meetings have you attended?

7 or more

What is your understanding of the role of a Planning Commission member and what contributions do you hope to make to the commission?

As a current member, I understand the role of a Planning Commissioner and I hope to continue contributing to the commission.

How would you typically prepare for or how much time would you anticipate putting into preparing for a Planning Commission hearing?

I have spent an average of two hours preparing for planning commission meetings.

Assuming a controversial land use issue is before the commission, how would you reconcile your personal opinions and emotions with the policies and regulations established by the Comprehensive Plan, Development Code, and Design Standards? Are you comfortable making decisions that may be deemed unfavorable by some or at odds with your own preferences?

I have no problem in putting aside any personal opinions that I may have about a controversial land use issue and vote based on the Albany Development Code or any other existing standards.

This position requires that you listen to the public and your fellow commissioners. Do you consider yourself a good listener? How would you describe your personal level of tolerance for views that are different from your own?

I am an excellent listener and have a very high tolerance of views that differ from mine.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

The City of Albany is currently conducting public meetings in a virtual only or hybrid format, usually via Zoom videoconferencing. Are you able to commit to attending virtual only or hybrid meetings using your own equipment and internet connection?

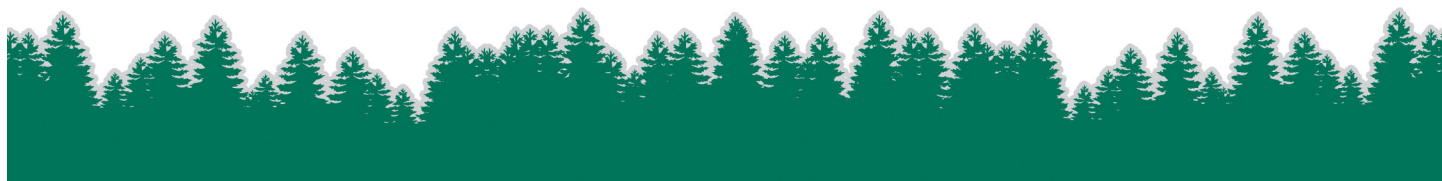
Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Mayor Alex Johnson





Citizen Advisory Group Application

Applying To **Planning Commission**

Received **December 14, 2023**

Name **Skylar Bailey**

In City Limits? **Yes (Ward 3)**

Are you currently employed? **Yes (WaFd Bank)**

List current or most recent occupation, business, trade, or profession:

Bank Branch Manager

Please summarize what qualifications and experience you have that would apply to this position:

**Planning commission Board Member 2+ years(Millersburg OR)
Management 15+ years
Small business owner 8+ years
Customer service 15+ years
Team Leadership 15+ years
Financial Advisor 10+ years**

List community/civic activities in which you are or have been active:

**Planning Commission Board Member (former) Millersburg, OR
Salvation Army Board Member (Current)
Community Development Commission Board Member (Current)
Coach for Boys and Girls Club 15+ years
Coach for Pop Warner Football 8+ years**

How many Planning Commission meetings have you attended?

7 or more

What is your understanding of the role of a Planning Commission member and what contributions do you hope to make to the commission?

The planning commission members oversee implementation of Albany development code and comprehensive plan. Approve or deny applications for different types of land uses.

How would you typically prepare for or how much time would you anticipate putting into preparing for a Planning Commission hearing?

Prepare by reading agenda and doing any research to make sure I am making informed decisions, including impacts of approvals or denials. The amount of time will likely vary depending on the agenda. I would spend as much time as necessary.

Assuming a controversial land use issue is before the commission, how would you reconcile your personal opinions and emotions with the policies and regulations established by the Comprehensive Plan, Development Code, and Design Standards? Are you comfortable

making decisions that may be deemed unfavorable by some or at odds with your own preferences?

Policies and regulations are legal documents, rules and laws that must be followed regardless of how one feels. I am confident I would put my responsibility and duties to the role above all, not letting personal opinions or emotions conflict with the job requirements. Yes, I am comfortable making difficult decisions, regardless of how it may impact me personally and have done so in the past.

This position requires that you listen to the public and your fellow commissioners. Do you consider yourself a good listener? How would you describe your personal level of tolerance for views that are different from your own?

Yes, I consider myself a good listener. I am very open to others viewpoints. I am very inquisitive and enjoying hearing other perspectives and ideas. I think it's very important to hear differing views to grow a more inclusive, resilient and sustainable city.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

The City of Albany is currently conducting public meetings in a virtual only or hybrid format, usually via Zoom videoconferencing. Are you able to commit to attending virtual only or hybrid meetings using your own equipment and internet connection?

Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

City Mayor





Citizen Advisory Group Application

Applying To **Public Safety Commission**

Received **November 28, 2023**

Name **Kevin Kreitman**

In City Limits? **Yes (Ward 2)**

Are you currently employed? **Yes (City of Millersburg)**

List current or most recent occupation, business, trade, or profession:

City Manager, 37 years Fire Service

Please summarize what qualifications and experience you have that would apply to this position:

37 years in the fire service, current member of the National Fire Protection Association (NFPA) and serve have served on Combustible Metals Committee since 1998, on the Hazardous Chemical Code since 2006 and have chaired the Combustible Dusts Correlating Committee since 2011.

Combustible Metals Fire Expert - Author in NFPA Fire Protection Handbook - Section on Metals, and NFPA Fire and Life Safety Inspection Manual - Chapter on Combustible Metals.

I was involved in establishment of public safety commission.

List community/civic activities in which you are or have been active:

**Member of Hope Church
NFPA
Public Safety Commission
AMEDC/LEDG**

How many commission meetings have you attended/viewed?

7 or more

What is your understanding of the role of a Public Safety Commission member and what contributions do you hope to make to the commission?

To provide support to the departments in maintaining the high levels of service the community appreciates and expect to receive, and advise council regarding funding and staffing needs to meet and exceed community expectations.

How would your background and experience benefit the Public Safety Commission and Albany in general?

I have deep understanding of the hazards and challenges our fire and police departments face given my previous background with the City and involvement with preventive and emergency response needs at the local and national level.

Why are the Albany Fire and Police departments important to the community?

Providing emergency services is one of the core responsibilities of communities. However, providing that service begins long before the emergency request is received.

How can the Albany Fire and Police departments improve their services to Albany residents?

Since my time with City of Albany, I continue to be humbled by the efforts the employees of the fire and police departments extend to our citizens, often by thinking outside of the box to identify programs and activities that have a positive impact in meeting community needs they see on a daily basis.

These programs are key to reduce the impact of the continued growth/need for emergency services. Continuing to provide funding to ensure the departments can provide proactive/preventive services while also maintaining appropriate funding for emergency services is a key factor in the ability to improve services to our residents.

What makes Albany a safe place to live?

The people who live, work and serve in our community.

Have you reviewed the meeting schedule for this commission and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

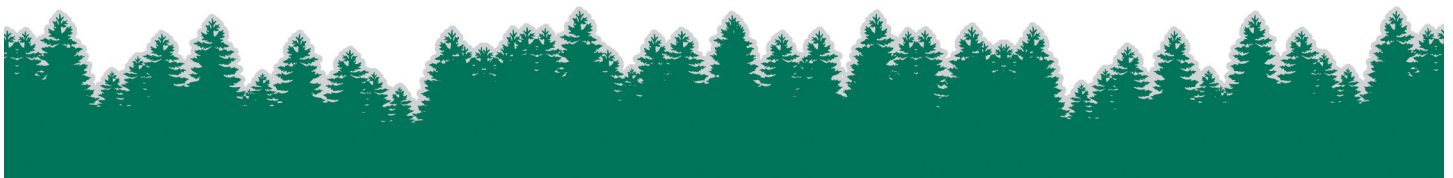
Yes

If there are currently no vacancies for this commission, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Current Member





Citizen Advisory Group Application

Applying To Tourism Advisory Committee

Received October 4, 2023

Name Sharon Konopa

In City Limits? Yes (Ward 2)

Are you currently employed? Retired

List current or most recent occupation, business, trade, or profession:

Former Mayor of Albany and City Councilor

Please summarize what qualifications and experience you have that would apply to this position:

24 years of serving on the city council, plus almost three more years of watching every single city council meeting!

List community/civic activities in which you are or have been active:

Many! Previously listed in the last application.

Are you currently a Transient Lodging Tax (TLT) recipient or an employee or board member of a TLT recipient or collector organization?

No

How many Tourism Advisory Committee meetings have you attended or viewed?

4-6

What is your understanding of the role of a Tourism Advisory Committee member and what contributions do you hope to make to the committee?

As listed before

Why is tourism an important part of economic development in Albany?

As listed before

How can Albany improve its tourism industry?

As listed before

Why is Albany a good or bad place to visit?

As listed before

Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?

Yes

How did you hear about this opportunity?

Staff notification of my expiring term.





Citizen Advisory Group Application

Applying To **Tourism Advisory Committee**

Received **December 11, 2023**

Name **Nick Andrews**

In City Limits? **Yes (Ward 3)**

Are you currently employed? **Yes (Oregon Cascades West Council of Governments)**

List current or most recent occupation, business, trade, or profession:

Project Manager

Please summarize what qualifications and experience you have that would apply to this position:

I'm a decorated Air Force veteran with over a decade of leadership experience. I seek to lead with compassion and competence, leading teams through all phases of the project life cycle, problem-solving, and risk management.

As a project manager, I foster a collaborative group environment where together we work effectively to achieve our goals. One of my great joys in life is seeing both the individuals I lead and the organizations I serve become their very best.

List community/civic activities in which you are or have been active:

**Albany Chamber of Commerce Greeters for AAsum-Dufour Funeral Home
Air Force Toys for Tots San Antonio, TX JBSA**

Are you currently a Transient Lodging Tax (TLT) recipient or an employee or board member of a TLT recipient or collector organization?

No

How many Tourism Advisory Committee meetings have you attended or viewed?

None

What is your understanding of the role of a Tourism Advisory Committee member and what contributions do you hope to make to the committee?

My understanding this is an advisory committee that meets twice a year. I understand my role is to add to the discussion, from personal experience to policy research, to be an asset to the team in providing insight to discussions around tourism in the city of Albany.

I love Albany, making the intentional choice to leave Texas after my military service and contribute to my local community where I was born and raised. With my knowledge, ability to

serve and lead, a great attitude, I bring a voice that is rooted in wanting to see the local community thrive. Albany can achieve it's healthiest potential, the opportunity is astounding, and I look forward to being a teammate that can contribute on this team to make this dream a reality.

Why is tourism an important part of economic development in Albany?

Tourism is a tremendous as it provides income to the local community to encourage new business and sustain current ones. When tourism is done right, it can help the city be vibrant fiscally and make necessary improvements to draw people to city. Albany is wonderfully nestled an hour away from Portland and the coast, a couple or more hours away from the mountains, and is in the heart of wine country. When Albany is established as a launching point for the state, it will allow us to attract business investment locally and out of state as we show this is a tremendous place to visit. Tourism helps keep families in Albany and business healthy in our city.

How can Albany improve its tourism industry?

Albany is located on I-5 and has multiple points of entry. We also have a massive river next to the town. Additionally we have the historic Albany airport. A greater investment in the beautification of our streets, particularly Pacific into downtown Albany would be tremendous. Investing in more local events that people can get excited about, focusing on wine & food. Albany should be the start of someone's journey on the wine road in Oregon with how perfectly located we are in the state. A facelift on the water front is vital, not only for the optics but also to attract further business, to keep our town vibrant. More thought should be put in the airport or considering a partnership with Corvallis Airport to attract folks to ease of access our city via out of state travel. I'm curious to explore more work with the carousel. Could we create more water activity that is safe around our river? I have seen elements of this done in Texas were some cities during the summer had a tubing industry that drew many locals, others in the state, individuals on vacation to come to the city.

Why is Albany a good or bad place to visit?

I love Albany. Often I have been told from friends locally or out of state visitors the potential isn't being reached. I think many will find Albany charming yet not memorable, that is what I would like to change.

Have you reviewed the meeting schedule for this committee and can you commit to regular meeting attendance?

Yes

I have read and understand the following: Members receive notice of meetings via email. Agendas and communications regarding the group are sent out via email. When unable to attend in person, meetings may be attended virtually via Zoom Videoconferencing. Absenteeism or non-preparation for meetings could result in removal.

Yes

If there are currently no vacancies for this committee, would you like your application kept on file for the remainder of this recruitment period?

No

How did you hear about this opportunity?

Marilyn Smith





MINUTES

Monday, December 11, 2023

Work Session

Council Chambers, City Hall

Approved: DRAFT

Call to Order

4:00 p.m.

Mayor Alex Johnson II called the meeting to order at 4:00 p.m.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Jackie Montague, Ray Kopczynski, Ramycia McGhee, and Marilyn Smith

Councilors absent: Steph Newton (excused)

Business from the Public

4:00 p.m.

None

Presentation from CASA of Linn County

4:00 p.m.

Leslee Mayers presented slides* and shared about the work of CASA of Linn County.

Public restroom facilities

4:12 p.m.

Parks and Recreation Director Kim Lyddane shared information about restrooms downtown and asked for direction from the council.

Councilors discussed options for restrooms including Portland Loo, port-a-pots, and permanent structures. Councilor Matilda Novak and Councilor Marilyn Smith suggested partnerships with various non-profit or business entities to provide restroom services downtown. Councilor Jackie Montague emphasized the need for a restroom at the Amtrak station and said that downtown restroom will become a need. Johnson II suggested that any downtown restroom should be visible and in a high traffic area to prevent misuse.

Lyddane summarized the council's direction. Lyddane said her interpretation of the direction is for staff to look at finding a restroom option for the Amtrak train station during off hours and, in the long term, look at developing a potentially 24/7 restroom downtown in a visible location. The council agreed with Lyddane's interpretation.

Code amendments, housekeeping

4:34 p.m.

Code Compliance Officer Kris Schendel shared information about the ordinances that were listed in the packet. Schendel shared that the suggested changes were mostly minor changes to bring the sections in alignment with other parts of the code or close loopholes.

Responding to a question from Montague, Schendel said the city currently has approved around 25 permits for food trucks. Schendel confirmed that it would be less of an operational burden to have all food truck permits be renewed at the same time, rather than spaced out over the year.

Fireworks discussion

4:43 p.m.

Fire Chief Shane Wooton and Police Chief Marcia Harnden shared how other Oregon communities have been addressing the sale and banning of fireworks. They both shared the statistics of annual fireworks-related calls, noting that almost all fireworks complaints the city receives are concerning fireworks that are already illegal.

Responding to questions from Councilor Ray Kopczynski and Councilor Ramycia McGhee, Wooton and Harnden said there are not certain parts of the city that generate more fireworks calls than others. Harnden, Wooton, and City Attorney Sean Kidd also spoke about the current state statute and fines for using illegal fireworks.

Novak said she is concerned about the noise from fireworks and sees a large community interest in banning fireworks altogether, especially on the Nextdoor social media site.

Montague said she does not see a need to pursue a fireworks ban until there is a greater fire risk, noting the issues with enforcing the current ban on illegal fireworks. Montague said she does not currently see widespread community support for a fireworks ban.

Harnden and Wooton said their staff would work on a campaign to inform residents on how to report the use of illegal fireworks. City Manager Peter Troedsson summarized the information from Harnden and Wooton by restating that the issue is largely one of enforcement.

Marvin's Garden update

5:04 p.m.

Harnden and Wooton gave an update on the Marvin's Garden campsite. Harnden noted that most calls to the site are police-initiated, proactive checks. Harnden shared costs associated with the camp and thanked CHANCE for all the work they have done for the encampment.

Responding to questions from Montague and Johnson II, Harnden said there are still hotspots around town for calls related to unhoused people and that there is no limit to how long someone can stay at Marvins Garden.

Responding to a question from Kopczynski, Harnden said that she is not aware of any issues with cold exposure during a recent cold snap. Wooton said there were no calls for cold exposure to either camping location.

Pavement management funding discussion

5:15 p.m.

City Engineer Staci Belcastro shared slides* about the history of street funding in Albany and discussed a list of funding alternatives to bridge the current funding gap.

Johnson II said he is not interested in pursuing a fuel tax, calling it a regressive tax. Novak said she is open to the idea of a fuel tax. Belcastro answered questions from Montague about what a transportation utility would look like and the history of a fuel tax in Albany.

Belcastro said the council will continue discussing street funding in January.

Business from the council

5:54 p.m.

Councilors shared updates about recent community events.

City manager report

6:00 p.m.

The city manager informed the council of upcoming community events.

ADJOURNMENT

There being no other business, the meeting was adjourned at 6:02 p.m.

Respectfully submitted,

Reviewed by,

Gabe Shepherd
Deputy City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.gov*



MINUTES

Wednesday, December 13, 2023

Meeting

Council Chambers, City Hall

Approved: DRAFT

Call to Order and Pledge of Allegiance

Mayor Alex Johnson II called the meeting to order at 6:00 p.m. The mayor led the pledge of allegiance.

Roll Call

Councilors present: Mayor Alex Johnson II and Councilors Matilda Novak, Steph Newton (virtual; arrived at 7:19 p.m.), Ray Kopczynski (virtual), Jackie Montague, Marilyn Smith, and Ramycia McGhee

Councilors absent: None

Special presentations

6:02 p.m.

a. Swearing in new Fire Department recruits

Fire Chief Shane Wooton administered the oath to Bridger Martin, Lawrence Allise, Lindsay Lowen, Austin McDowell, Jared McMurren, and Micaiah Sode, and they received their badges.

b. Linn Together

6:13 p.m.

Danette Killinger and Dar Merrill presented slides.* They explained what Linn Together does and how to get involved.

c. Alzheimer's Association

6:25 p.m.

Amy Hammerstrom presented slides.* She gave information about Alzheimer's disease and explained what the Association does to promote research and to support patients and their caregivers.

Business from the Public

6:38 p.m.

Ray Hilts said he has been asking people how we should pay for street repairs. He suggested that the council survey Albany residents to find out what they would support.

Approval of agreements

6:40 p.m.

Sole-source procurement for the expanded operation of the photo enforcement program

Police Chief Marcia Harnden said Albany has had a contract since 2007 for one photo enforcement camera at the intersection of Queen Avenue and Geary Street. The police are receiving increasing numbers of complaints about speeding, especially near schools. Automation will allow education and enforcement when human staff aren't available.

Councilor Ray Kopczynski asked how many false camera reactions have happened at Queen and Geary. Harnden said the company uses algorithms to sort out false positives. Photos require human review before a ticket can be issued. Redflex sends video to the police department to review. Anyone who

believes they didn't commit a violation can protest the ticket. About 70 percent of tickets are legitimate violations.

Kopczynski asked, will adding more cameras require more human review? Harnden said yes, but the level of enforcement provided by the new cameras would require several more human officers on patrol.

Councilor Jackie Montague asked if the Transportation Safety Commission or the Public Safety Commission were involved in choosing the locations for the new cameras. Harnden said they talked to the Public Safety Commission. They are confident in their choice of camera locations.

Councilor Marilyn Smith said all of the intersections are city-controlled. Harnden said yes. Placing a camera on a state-controlled highway requires a lengthy ODOT review. Smith said this will not be a money-maker for the City. People can avoid a ticket by obeying the speed limit. Harnden said besides funding additional staff time, any revenue generated by the cameras over the cost to operate the program will go toward public safety improvements.

MOTION: Montague moved to approve the agreement. Smith seconded the motion, and it passed 5-0. The resolution was designated Resolution No. 7286.

Parliamentary procedure training

City Clerk Allison Liesse presented a review of the ordinance adoption process.

First Reading of Ordinances

6:56 p.m.

a. Albany Municipal Code Housekeeping

- 1) AMC Chapter 5.06.140 forms and conditions for mobile food units (MFU) permit and property MFU authorization

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Councilor Ramycia McGhee seconded the motion, and it passed 5-0. The ordinance was designated Ordinance No. 6026.

- 2) AMC Chapter 6.10 Violation - Penalty

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. Montague seconded the motion, and it passed 5-0. The ordinance was designated Ordinance No. 6027.

- 3) AMC Chapter 6.18.010 Definitions

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. McGhee seconded the motion, and it passed 5-0.
The ordinance was designated Ordinance No. 6028.

4) AMC Chapter 8.01.020 Debris, garbage, and junk

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. McGhee seconded the motion, and it passed 5-0.
The ordinance was designated Ordinance No. 6029.

5) AMC Chapter 13.36.180 Motor vehicle or recreational vehicle use for sleeping or housekeeping purposes and related parking restrictions

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. McGhee seconded the motion, and it passed 5-0.
The ordinance was designated Ordinance No. 6030.

6) AMC Chapter 13.90.110 regulations

City Attorney Sean Kidd read the ordinance for the first time in title only.

MOTION: Montague moved to have the ordinance read a second time in title only. Smith seconded the motion, which passed 5-0.

Kidd read the ordinance a second time in title only.

MOTION: Smith moved to adopt the ordinance. McGhee seconded the motion, and it passed 5-0.
The ordinance was designated Ordinance No. 6031.

Adoption of Resolutions

7:03 p.m.

a. Adopt private property impound towing rates

MOTION: Smith moved to adopt the resolution. Kopczynski seconded the motion, and it passed 5-0.
The resolution was designated Resolution No. 7287.

b. Create System Development Charge policy

Engineering Manager/Assistant City Engineer Rob Emmons said HB 2984, which becomes effective January 1, 2024, allows commercial properties to redevelop into residential uses without a zoning change or special permits. However, converted properties can only be charged wastewater and water systems development charges, unless the City adopts a policy stating otherwise. This resolution establishes a policy of continuing to charge SDCs for residential properties in the same way we do now.

MOTION: Kopczynski moved to adopt the resolution. McGhee seconded the motion, and it passed 5-0.
The resolution was designated Resolution No. 7288.

Approval of Contracts

7:10 p.m.

- a. Award contract for city property mowing services

MOTION: Kopczynski moved to approve the resolution awarding the contract to Chorak Mowing. Smith seconded the motion, which passed 5-0. The resolution was designated Resolution No. 7289.

Approval of Agreements

- a. Revised Intergovernmental Agreements with the City of Millersburg

7:11 p.m.

Operations Manager Kristin Preston said the two agreements were last revised in 2016. The changes relate to insurance coverage, billing processes, and staffing. The Millersburg city council has approved the changes.

MOTION: Montague moved to approve the revised agreements. Smith seconded the motion, which passed 5-0.

Adoption of Consent Agenda

7:17 p.m.

- a. Approval of minutes

- 1) November 27, 2023, city council work session
- 2) November 29, 2023, city council meeting

- b. Recommendations to OLCC

- 1) Approve limited on-premises liquor license application for Foxy's Deli #6, LLC dba The Fox Den Eatery #7
- 2) Approve limited on-premises liquor license application for Foxy's Deli #6, LLC dba The Fox Den Eatery #5
- 3) Approve limited on-premises liquor license application for Foxy's Deli #6, LLC dba The Fox Den Eatery #4

- c. Approval of agreements

- 1) Accept FY 2022-23 Oregon Fire Mutual Aid System Engine Program Grant and Approve Intergovernmental Agreement between City of Albany and Department of the State Fire Marshal *(The resolution that should have accompanied this approval was inadvertently left out of the agenda packet. It was later executed and designated Resolution No. 7290.)*

MOTION: McGhee moved to adopt the consent agenda as presented. Smith seconded the motion, which passed 5-0.

Business from the Council

City Manager Report

Break

The council recessed for a five-minute break at 7:27 p.m.

Recess to executive session

7:32 p.m.

The council recessed to executive session to discuss litigation or litigation likely to be filed in accordance with ORS 192.660 (2)(h) and labor negotiations in accordance with ORS 192.660 (2)(d).

Reconvene

8:21 p.m.

The council reconvened into regular session.

MOTION: Smith moved to approve the amended standard terms and conditions language for all City contracts. Councilor Matilda Novak seconded the motion, which passed 6-0.

MOTION: Montague moved to ratify the new classifications and related compensation changes within the public works operations, park maintenance, and building maintenance divisions, as outlined by the City's human resources director and covered under the City's tentative agreement with the AFSCME union. Smith seconded the motion, and it passed 6-0.

Next Meeting Dates

Monday, January 8, 2024; 4:00 p.m. work session

Wednesday, January 10, 2024; 6:00 p.m. meeting

ADJOURNMENT

There being no other business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Reviewed by,

Allison Liesse
City Clerk

Peter Troedsson
City Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. Documents from staff are posted to the website after the meeting. Documents submitted by the public are available by emailing cityclerk@albanyoregon.org.*




MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Marcia Harnden, Chief of Police 

DATE: December 18, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: New Outlet, Off Premises, Liquor License Application for US Smoke Shop LLC, Located at 2230 Santiam Highway SE

Action Requested:

I recommend the new outlet, off-premises, liquor license application for US Smoke Shop LLC, located at 2230 Santiam Highway SE be approved.

Discussion:

US Smoke Shop LLC has applied for a new outlet, off-premises liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MH:rj

cityofalbany.net





MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager

FROM: Marcia Harnden, Chief of Police 

DATE: December 18, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Additional Privilege, Liquor License Application for Veracity Spirits LLC, DBA Waterhill Wines, Located at 140 NE Hill Street

Action Requested:

I recommend the additional privilege, liquor license application for Veracity Spirits LLC, DBA Waterhill Wines, located at 140 NE Hill Street be approved.

Discussion:

Veracity Spirits LLC, DBA Waterhill Wines, has applied for an additional privilege liquor license. Based on a background and criminal history investigation through Albany Police Department records, the applicant has no criminal record.

Budget Impact:

None.

MH:rj

Sp

cityofalbany.net





RESOLUTION NO. _____

A RESOLUTION APPOINTING MUNICIPAL COURT JUDGES PRO TEM AND REPEALING RESOLUTION NO. 7175

WHEREAS, an active pool of judges pro tem shall be maintained so that the work for the Municipal Court will not be interrupted when the judge is absent from her position; and

WHEREAS, the contract between the City of Albany and Judge Jessica Meyer specifies that she shall submit to the City Council the names of persons whom she wishes to nominate as judges pro tem for the duration of her current contract; and these persons shall be members of the Oregon State Bar and in good standing.

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that the following persons are hereby appointed as Municipal Court Judges pro tem for the Albany Municipal Court of the City of Albany, Oregon:

- Tyler H Reid
- Timothy J Felling
- John (Tré) E Kennedy

BE IT FURTHER RESOLVED that Resolution No. 7175 is hereby repealed.

DATED AND EFFECTIVE THIS 10TH DAY OF JANUARY 2024.

Mayor

ATTEST:

City Clerk



RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE FOLLOWING EASEMENT:

Grantors

David A. Neighbor
Sherri Neighbor

Purpose

Public Sanitary Sewer Easement as part of SI-23-16,
Douglas Street Sewer Extension

NOW, THEREFORE, BE IT RESOLVED by the Albany City Council that it does hereby accept this easement.

DATED AND EFFECTIVE THIS 10TH DAY OF JANUARY 2024.

Mayor

ATTEST:

City Clerk

EASEMENT FOR PUBLIC UTILITIES

THIS AGREEMENT, made and entered into this ____ day of _____, 202_, by and between David A. Neighbor and Sherri Neighbor, hereinafter called Grantor, and the CITY OF ALBANY, a Municipal Corporation, herein called "City."

WITNESSETH:

That for and in consideration of the total compensation to be paid by the City, the grantor has this day bargained and sold and by these presents does bargain, sell, convey, and transfer unto the City of Albany, an easement and right-of-way, including the right to enter upon the real property hereinafter described, and to maintain and repair public utilities for the purpose of conveying public utilities services over, across, through, and under the lands hereinafter described, together with the right to excavate and refill ditches and/or trenches for the location of the said public utilities and the further right to remove trees, bushes, under-growth, and other obstructions interfering with the location and maintenance of the said public utilities.

This agreement is subject to the following terms and conditions:

1. The right-of-way hereby granted consists of:

See legal description on attached Exhibit A and maps on attached Exhibits B and C.
2. The permanent easement described herein grants to the City, and to its successors, assigns, authorized agents, or contractors, the perpetual right to enter upon said easement at any time that it may see fit, for construction, maintenance, evaluation and/or repair purposes.
3. The easement granted is in consideration of \$1.00, receipt of which is acknowledged by the Grantor, and in further consideration of the public improvements to be placed upon said property and the benefits grantors may obtain therefrom.
4. The Grantor does hereby covenant with the City that they are lawfully seized and possessed of the real property above-described and that they have a good and lawful right to convey it or any part thereof and that they will forever warrant and defend the title thereto against the lawful claims of all persons whomsoever.
5. Upon performing any maintenance, the City shall return the site to original or better condition.
6. No permanent structure shall be constructed on this easement.

IN WITNESS WHEREOF, the Grantor has hereunto fixed their hand and seal the day and year written below.

GRANTOR:

David A. Neighbor
David A. Neighbor



STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 11th day of December 2023
by David A. Neighbor as his/her voluntary act and deed.

Tichelle Staten
Notary Public – State of Oregon

GRANTOR:

Sherri Neighbor
Sherri Neighbor



STATE OF OREGON
County of Linn

The foregoing instrument was acknowledged before me this 11th day of December 2023
by Sherri Neighbor as his/her voluntary act and deed.

Tichelle Staten
Notary Public – State of Oregon

CITY OF ALBANY:

STATE OF OREGON
County of Linn

I, Peter Troedsson, as City Manager of the City of Albany, Oregon, pursuant to Resolution Number _____, do hereby accept on behalf of the City of Albany, the above instrument pursuant to the terms thereof this _____ day of _____ 20____.

City Manager

ATTEST:

City Clerk

EXHIBIT "A"

Legal Description

Variable width City of Albany Sanitary Sewer Easement
Located over
Tax Lot 300 of Assessor Map 11S03W04DD

A variable width strip of land for easement purposes located over a portion of Parcel II of the Parcels conveyed to David A. Neighbor and Sherri Neighbor, as tenants by the entirety by Statutory Warranty Deed recorded as Document Number 2016-05137 in the Linn County Deed Records on April 1, 2016 (hereinafter referred to as the "Neighbor Tract") said strip of land being more particularly described as follows:

Beginning at a point on the north line of said Parcel II that is North 89°50'13" East 5.78 feet from a 5/8 inch rod at the northwest corner of said Parcel II; thence along the boundary lines of said Parcel II the following three (3) courses: 1) North 89°50'13" East 14.21 feet; 2) thence South 00°09'31" East 90.00 feet; 3) thence South 89°59'29" East 6.02 feet; thence South 00°18'34" East 41.65 feet; thence South 89°41'26" West 20.00 feet; thence North 00°18'31" West 131.72 feet to the Point of Beginning.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 9, 2002
JOE J. COTA
58561

RENEWS: 12-31-2023

DOGWOOD AVE. SE
R-O-W 60.00'

EXHIBIT "B"

FOR

VARIABLE WIDTH PUBLIC SANITARY SEWER EASEMENT

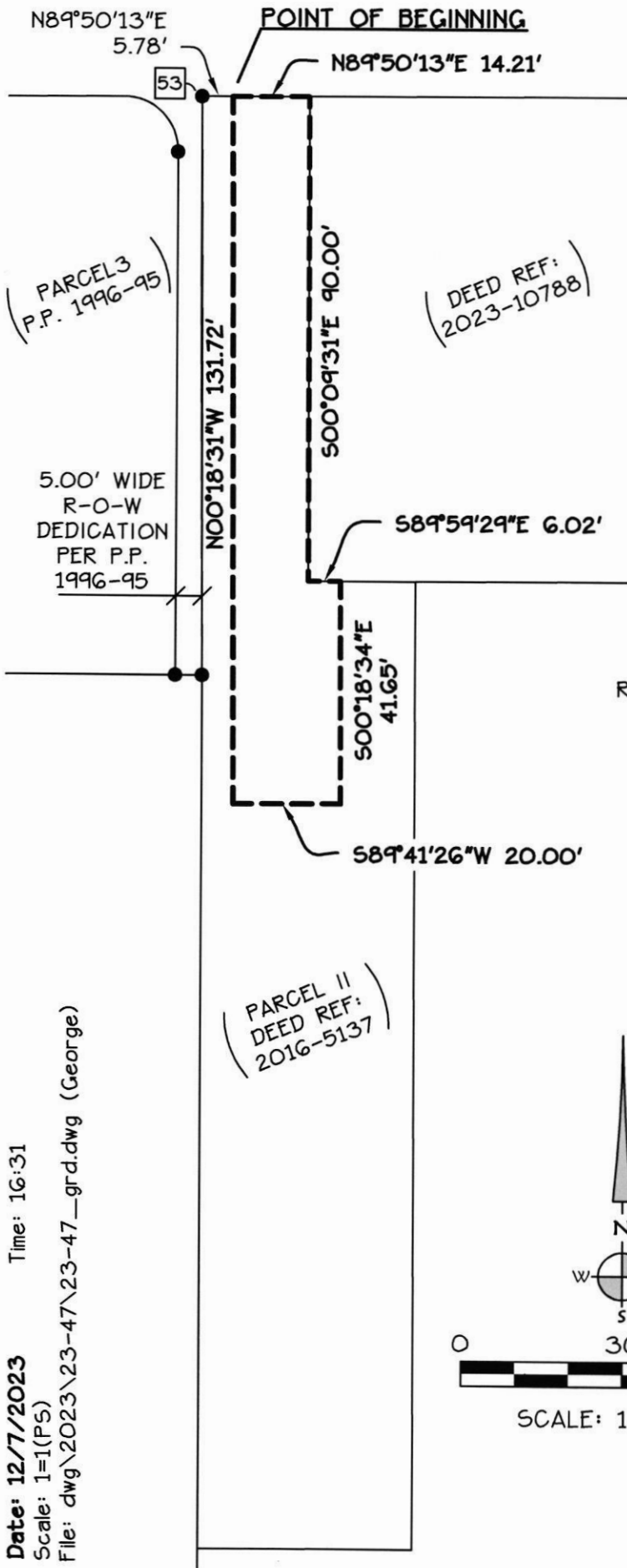
LOCATED OVER

A PORTION OF PARCEL II OF
DEED DOC. #2016-5137 IN THE
SE 1/4 SEC 04, T. 11 S., R. 3 W., W.M.

IN THE

CITY OF ALBANY, LINN COUNTY, OREGON

NOVEMBER 29, 2023

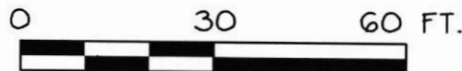
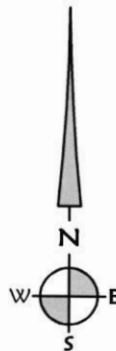


LEGEND:

- FOUND MONUMENT PER P.P. 1996-95, UNLESS NOTED, SEE "FOUND MONUMENT LIST"
- C.S. COUNTY SURVEY
- P.P. PARTITION PLAT
- R-O-W RIGHT OF WAY
- YPC YELLOW PLASTIC CAP
- 50 FOUND MONUMENT REFERENCE; SEE "FOUND MONUMENT LIST"

FOUND MONUMENT LIST:

- 53 FOUND 5/8" IRON ROD W/YPC MARKED: "K+D ENGINEERING LS 2395" PER C.S. 21517



SCALE: 1" = 30'

Time: 16:31

Date: 12/7/2023

Scale: 1=1(P.S)

File: dwg\2023\23-47\23-47-grd.dwg (George)



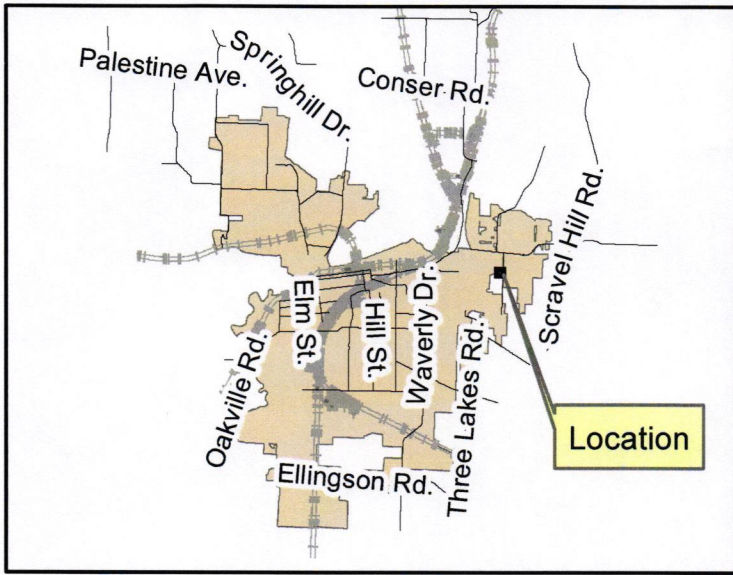
K & D ENGINEERING, Inc.

276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 928-2583

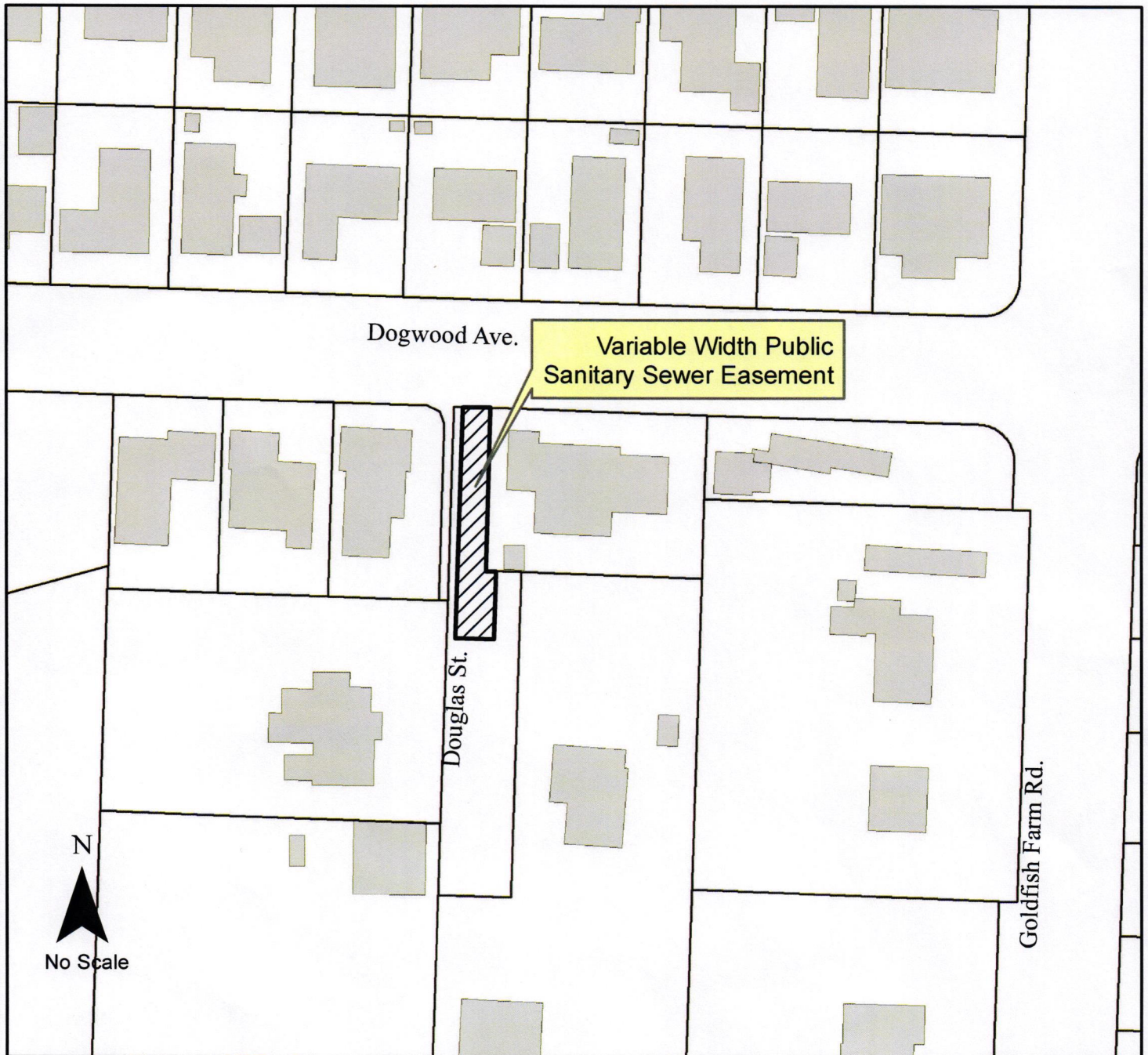
EXHIBIT C

11S03W04DD00300

A variable-width public
sanitary sewer easement
along Douglas Street
as part of SI-23-16
Douglas St Sewer Extension



Geographic Information Services





MEMO



TO: Albany City Council

VIA: Peter Troedsson, City Manager *PT 1/3*

FROM: Marcia Harnden, Police Chief *MH*

DATE: December 14, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Oregon Department of Transportation Safety Division Grant

Relates to Strategic Plan theme: A Safe City
An Effective Government

Action Requested:

Staff recommends Council approve an application for an Oregon Department of Transportation (ODOT) Safety Division grant to hire a dedicated Driving Under the Influence of Intoxicants (DUII) Traffic Enforcement Officer.

Discussion:

The Albany Police Department has an opportunity to apply for an Oregon Department of Transportation grant with funding through the National Highway Traffic Safety Administration (NHTSA). This grant would be used to fund a dedicated DUII traffic enforcement officer position beginning July 1, 2024.

Since 2020, there have been 175 DUII-related crashes, with 48 of those resulting in injuries and 2 resulting in fatalities. During this same period, Albany police officers have made 682 DUII-related arrests in our community. Interactions between alcohol and other substances in the body, such as medications, marijuana, or illegal drugs; increase impairment and make driving riskier. According to the NHTSA, approximately 37 people in the United State die in drunk-driving crashes every day – these deaths are preventable. To reduce crashes and get impaired drivers off the road, targeted DUII enforcement is necessary. This grant will allow the department to target impaired driving, which will in turn save lives.

The Oregon Department of Transportation grant will cover 100 percent of the position the first year, 75 percent of the position the second year, and 50 percent of the position the third and final year. Once the grant funding has been expended, it is the department’s goal to keep this position as part of the Community Resource Unit Traffic Team to combat DUII related crashes and provide traffic enforcement/education within the community.

Budget Impact:

This grant will cover 100 percent of the expenses in the first year. The department will budget for the required matching funds in the 2025-2027 biennium.


MH:de





MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager  1/3
Kim Lyddane, Parks and Recreation Director

FROM: Matthew Ruettgers, Community Development Director

DATE: December 28, 2023, for the January 10, 2024, City Council Meeting

SUBJECT: Curt Sorte – Modification of access/utility easement through City property.

Relates to Strategic Plan theme: Effective Government.

Action Requested:

Discussion and direction regarding request to modify the location of an existing access/utility easement. If the council provides direction to staff indicating a willingness to modify the existing easement, modified easement documents will be brought back to council for approval if a favorable land use application decision(s) is received by Mr. Sorte.

Discussion:

History

At the June 22, 2020, council meeting, staff brought forward a request from Mr. Sorte requesting the City grant a permanent access/utility easement off the north dead-end hammerhead on SW Moose Run Drive to Parcel 2 of the Sorte property (see Attachment A for map). This access easement would cross City owned property managed by the Parks & Recreation Department, including the Oak Creek Greenbelt Trail. At that time Council directed staff to proceed with development of an agreement to provide the requested easement.

While developing said agreement, staff and Mr. Sorte concluded creation of an easement providing legal access to the lot would be the preferred option over crafting an agreement to provide an easement at a later date. With the existing encumbrances on both Mr. Sorte's property and the City's property (wetlands, floodplain, etc.), the regulatory requirements for construction of one single-family home on Mr. Sorte's Parcel 2 and associated access across the City's property, the final locations of the access and home site cannot be determined without significant investment in consultant studies and permitting. Alternatively, creation of an easement that provides a legal access right frees up the ability to secure financing for these efforts and for the future construction of the single home and driveway. Lenders are not likely to provide any financing for a land sale or project that is "land locked", not having a legal access right to a public right-of-way. Therefore on June 23, 2021, council authorized the creation of an easement on the shortest route between the end of Moose Run and Mr. Sorte's Parcel 2 (shown on Attachment A & B).

In August of 2023, Mr. Sorte submitted a land use application for the construction of a driveway leading from the end of Moose Run through the City owned property to his Parcel 2. The proposed driveway was not within the granted 2021 access easement as Mr. Sorte had engaged the services of a wetland consultant and civil engineer to map a route which avoided wetlands and riparian corridors to the maximum extent possible (see Attachment B). In the review of the application, it was determined that staff could not process the application without direction from City Council regarding modification of the existing easement, re-aligning it to be based on the proposed new alignment.

On November 8, 2023 Mr. Sorte asked Council if they would be willing to modify the existing easement. At this meeting City Council also heard public comment in opposition to this proposal (modification of the easement) due to potential impacts to wetlands/habitat. There was also discussion regarding the presence of an existing conservation easement over the city owned parcel. Based on this, council directed staff to return with additional information prior to further discussion.

Current

Staff has had a title search conducted on the city owned lands over which the proposed modified easement/driveway would cross, as well as additional research into the historical wetland permitting associated with the Spring Meadows Development, which is the development that resulted in several tracts of land, including Tract “J” being gifted to the city. The title search produced recorded documentation of a restrictive covenant over the city owned Tract “J” that prohibits nearly all uses including the construction of new roads.* (see Attachment C). Additionally, the historical wetland permitting information from the Division of State Lands, indicated all of the city owned Tract “J” was to be protected as either wetland or upland buffer, which was the driver for the restrictive covenant being recorded on the land.

Given this information, the city cannot approve any land use application or use involving the construction of improvements on Tract “J” and/or a driveway coming off the end of Moose Run. It is also important to note, the existing access easement granted in 2021 is also limited by and may only be enjoyed within compliance of the senior Restrictive Covenant for Tract “J”.

*The Restrictive Covenant for Tract “J” contains an error in the last paragraph when it states, “*These rights and restrictions apply to the 6.33 acres of the said property which is created pursuant to the wetland mitigation agreement with the Oregon Division of State Lands, DSL Project RF-17152, dated the 26th day of September 1999*”. The reference to 6.33 acres is in error and is a reference to a separate Restrictive Covenant over Tract “K”. This error was also substantiated by verification of the mitigation acreages for Tract “J” on the noted DSL permit documentation.

Budget Impact:

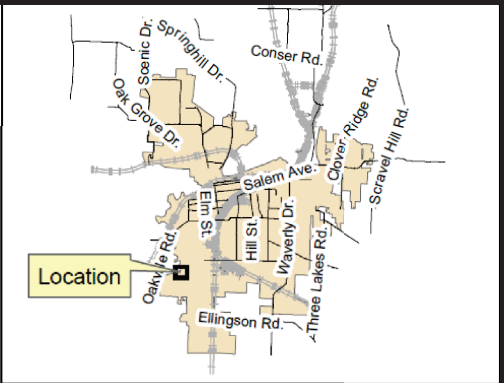
None

MR

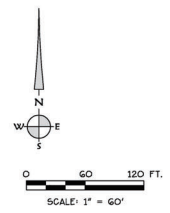
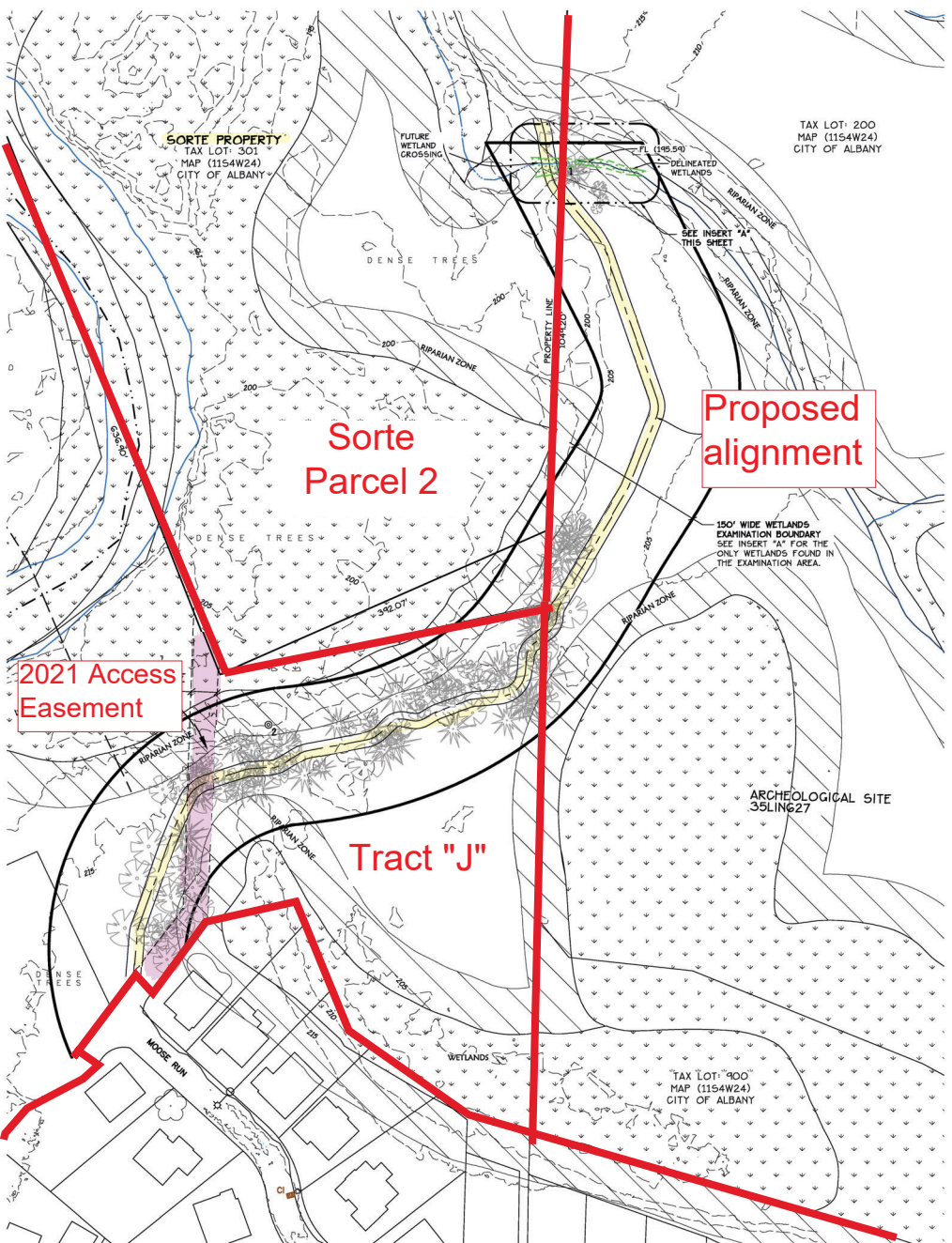
Attachments:

- A. Overview Map
- B. Sorte Easement Modification Proposal
- C. Tract J Restrictive Covenant

Overview Map



WETLANDS MAP
FOR
CURT SORTE ACCESS
LOCATED IN
JARVIS BRIGGS D.L.C. No. 83
NW SEC. 24 T. 11 S., R. 04 W., W.M.
IN THE
LINN COUNTY, OREGON
JUNE 28, 2023



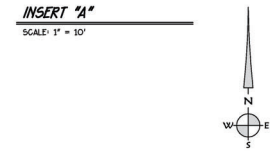
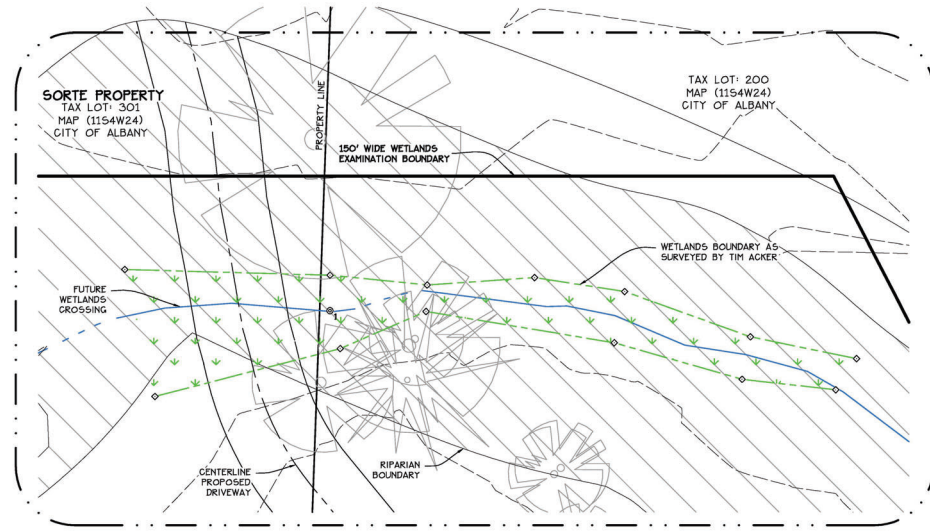
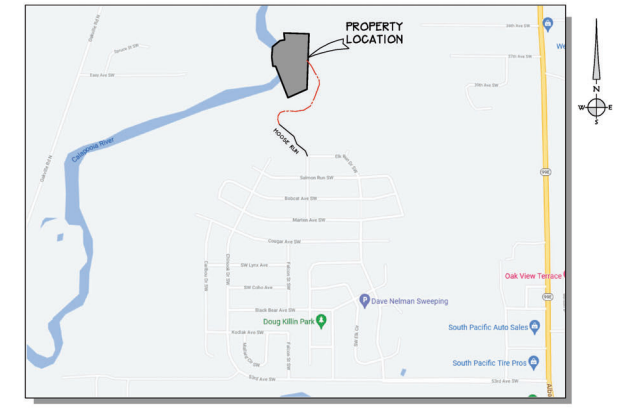
- LEGEND:**
- ◊ WETLANDS BOUNDARY FLAG
 - WETLANDS SAMPLE POINT
 - WETLAND BOUNDARY LINE AS FLAGGED BY THE ACKER GROUP, LLC

- WETLAND NOTE:**
- DELINEATED WETLANDS AS SURVEYED BY TIM ACKER
 - SIGNIFICANT WETLANDS BASED ON CITY OF ALBANY GIS

OWNER:
CURT SORTE
35465 OAKVILLE RD SW
ALBANY OR 97321

TAX LOT 301
MAP 115-4W-24

ENGINEER:
DANIEL K. WATSON, ENGINEER
R+D ENGINEERING, INC.
276 NW HICKORY STREET
ALBANY, OR 97321
(541) 928-2583



Date: 6/28/2023 Time: 16:04
Scale: 1=117F5
File: dwg\2023\20-148\20-148_wetl.dwg (George)

K & D ENGINEERING, Inc.
676 N.E. Hickory Street P.O. Box 700
Albany, Oregon 97321
(541) 928-2583

ATTACHMENT "B"

LINN COUNTY, OREGON 2010-02396
CCR-CCR
Cnt=1 Stn=1 COUNTER 02/08/2010 03:19:23 PM
\$15.00 \$11.00 \$15.00 \$9.00 \$50.00

MAIL TAX STATEMENTS TO:
No Change

AFTER RECORDING RETURN TO:
James V. B. Delapoer
Long, Delapoer, Healy
P.O. Box 40
Albany, OR 97321



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



RESTRICTIVE COVENANT

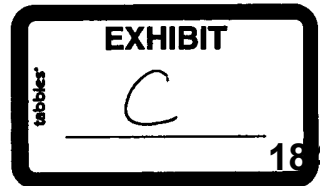
The City of Albany, a municipal corporation, owner of 13.52 ac res (the "Protected Property") located in Linn County, Oregon, located in T11S, R4W, Section 24, Tax Lot 1000 and more particularly described as: **Tract "J" Spring Meadow Sixth Addition, Linn County, Oregon**. The City of Albany makes the following declarations as to limitations, restrictions and uses to which the property described herein is now subject and specifies that such declarations shall constitute covenants to run with the land as provided by law and shall be binding on all parties and all persons claiming under them this declaration of restriction being designed for the purpose of keeping and maintaining portions of the real property described herein in their created wetlands state.

The property described herein, which is the creation of new wetlands shall, except as provided in "Reserved Rights" below be subject to the following:

1. There shall be no destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Protected Property, nor any disturbance or change in the natural habitat of the Protected Property in any manner, except to eliminate non-native invasive species from the site, or conduct other required maintenance.
2. There shall be no agricultural, commercial or industrial activity undertaken or allowed in the Protected Property except for limited seed harvesting; nor shall any right of passage across or upon the Protected Property be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.
3. No domestic animals shall be allowed to graze or dwell on the Protected Property.
4. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock, minerals or others materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Protected Property, once the wetlands is constructed, unless specified in the contingency plan.
5. There shall be no building of new roads or any other rights of way nor widening of existing roads on the Protected Property.

Fidelity National Title # ACCOM

This instrument is being recorded by Fidelity National Title Co. as an accommodation only. It has not been examined as to its execution or as to its effect upon the title.



6. There shall be no damming, dredging nor any activities or uses of the Protected Property detrimental to water quality.

7. There shall be no operation of dune buggies, motorcycles, all terrain vehicles, or any other types of motorized vehicles on the Protected Property, except for monitoring, maintenance, and oversight purposes by the owner or his designee.

NEVERTHELESS, and notwithstanding any of the foregoing provisions to the contrary, the owners of the property reserves for itself, the public, and its successors and assigns the following Reserved Rights; PROVIDED, however, that the exercise of such rights is not inconsistent with the conservation interests associated with the Protected Property.

RESERVED RIGHTS

1) Any activities related to the initial or corrective measures for the wetlands relating to construction, fish enhancement, planting, replanting, maintenance, trash removal or invasive weed control may be conducted to insure compliance with the mitigation plan, based upon Oregon's Removal-Fill Law and the requirements of the Division of State Lands.

2) The Protected Property may be used for educational purposes. Activities may include soil or plant sampling, wildlife monitoring or other "outdoor classroom" activities, to the extent that this use does not unduly alter the health of the protected area. The Protected Property may also be used for limited native seed harvesting.

3) Trails may be made through the upland habitat portions of the property using gravel, wood chips or other products normally used for trail development and upkeep. These areas may be provided with benches and/or raised walkways.

4) Emergency crossing of the protected property by farm equipment or other large equipment is allowed. Restoration of the site will be conducted for any damages that are incurred to the protected property.

5) The right to developed recreational uses including fishing, hiking, picnicking, and horseback riding in the upland portions. Such amenities as is normally associated with a limited use park setting such as picnic shelters, picnic tables, trash receptacles, drinking fountains and self contained restroom facilities may also be placed in the upland portions. Minor trenching for water lines through wetland areas is permitted as long as any area of disturbance is restored to its prior state or better.



MEMO

TO: Albany City Council

VIA: Peter Troedsson, City Manager

PH 113

FROM: Casey Headley, Finance Manager
Jeanna Yeager, Finance Director

DATE: December 29, 2023, for January 10, 2024, City Council Meeting

SUBJECT: Personnel Change Requests in the Finance Department

Relates to Strategic Plan theme: Effective Government

Action Requested:

Staff requests that the City Council, by motion, approve the following personnel change requests in the Finance Department:

- Reclassification of 2.0 full-time equivalent (FTE) Accounting Specialist positions (A123) to 2.0 FTE Payroll Specialist positions (A141) effective retroactively to January 1, 2024.
- Salary grade adjustment for the Accounting Specialist classification from A123 to A131 effective January 15, 2024.

Discussion:

There are currently four Accounting Specialist positions in the Finance Department, with two positions assigned to accounts payable/receivable and two assigned to the City's payroll functions. At the request of the City's Finance Manager, Human Resources staff recently completed a comprehensive job analysis for the two positions focused on payroll services. The payroll positions maintain our centralized payroll system; balance and audit payroll related benefits and deductions; troubleshoot and resolve payroll related requests; prepare and timely submit required reporting for federal, state and local agencies; as well as other regulatory reporting obligations. With continued changes in legal requirements for payroll services and the added complexity of new programs such as Paid Leave Oregon, payroll staff must remain current on all payroll regulations and remain positioned to provide citywide technical assistance as it relates to the City's payroll functions. The work of the two payroll positions is substantively different from the City's other accounting specialist positions in that they perform complex and specialized work in the preparation and coordination of all payroll services for the City's approximately 450 employees across 6 distinct bargaining, Nonbargaining, and temporary groups. As such, Human Resources recommends establishing a new Payroll Specialist classification, which is distinguished from the Accounting Specialist classification.

As part of the job analysis for the two payroll positions, Human Resources staff also completed related salary surveys for all accounting specialist positions. Human Resources recommends that the new Payroll Specialist classification be established at salary grade A141 on the AFSME salary schedule and that the Accounting Specialist classification be moved from A123 to A131 on the AFSME salary schedule in order to bring the classification to market. Since the reclassification request for the two payroll positions was delayed due to holiday schedules, staff requests the Council approve that portion of this request effective retroactively to January 1, 2024.

Personnel Change Requests in the Finance Department

The Human Resources Director has reviewed and approved this request as outlined.

Budget Impact:

If approved, the budget impact of the reclassification for the remainder of this biennium is approximately \$40,561. This position is funded through the Finance budget, and there are adequate funds available to support this increase.

CH

cc: Holly Roten, Human Resources Director