PLANNING COMMISSION

AGENDA

Monday, November 9, 2026
5:15 p.m.

This meeting includes in-person and virtual participation.
Council Chambers
333 Broadalbin Street SW
Or join the meeting here:
https://council.albanyoregon.gov/groups/plc/zoom

Phone In: 1-253-215-8782 (long distance charges may apply); Meeting ID: 837-8633-4863; Passcode: 464432

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. Approval of Minutes
   - August 17, 2026 [Pages 2 – 3]
4. Public Comment
5. Scheduled Business

   Public Hearing: AN-01-26 & ZC-02-26, a Type IV Legislative and Quasi-Judicial Process [Pages 5 – 22]
   Summary: Annexation of a 0.90-acre tract with a concurrent Zone Map Amendment from Linn County UGA/UGM-20 to R-5. (Project Planner – David Martineau, david.martineau@albanyoregon.gov)

   Public Hearing: VC-01-26, a Type IV Quasi-Judicial Review [Pages 23 – 34]
   Summary: City-initiated vacation of Thurston Street and Jefferson Street public right of way north of Water Avenue. (Project Planner – David Martineau, david.martineau@albanyoregon.gov)

   Persons wanting to provide comments may:
   1- *Email written comments to cdaa@albanyoregon.gov, including your name, before **noon on the day of the meeting.***
   2- *To comment virtually during the meeting, register by emailing cdaa@albanyoregon.gov before **noon on the day of the meeting,** with your name.*
   3- *Appear in person at the meeting and register to speak*

6. Business from the commission

7. Staff updates

8. Next Regular Scheduled Meeting Date: December 7, 2026

9. 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: cdaa@albanyoregon.gov or call 541-917-7550.

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.

MINUTES
Monday, August 17, 2026
Council Chambers – 5:15 p.m.
Approved: DRAFT

Call to Order
Chair Miller called the meeting to order at 5:15 p.m.

Pledge of Allegiance

Roll Call

Commissioners Present:	Kenny Larson, Remi Hill, Ron Green, Paul Spilsbury, JoAnn Miller, Ted Bunch Jr., Stacey Bartholomew Remote: Ron Green, Tami Cockeram
Commissioners Absent:	Skylar Bailey (excused)

Approval of Minutes

Motion: Commissioner Larson moved to approve the meeting minutes from July 20, 2026. Commissioner Hill seconded the motion. The motion passed 9-0.

Public Comment - none

Scheduled Business

Chair Miller opened the Type IV Quasi-Judicial Hearing on CU-02-26 at 5:15 p.m.
Summary: Conditional Use Review to locate a religious assembly use in an existing building, located at 1820 Fescue Street SE.

Commission Declarations
No members declared a conflict of interest.
No members declared an ex-parte contact.
No members declared a site visit.
No members abstained from participating in the proceedings.
No one challenged the Planning Commissioners' right to determine this matter.

Meeting Procedures – David Martineau, Current Planning Manager, provided the meeting procedures.

Staff Report - Martineau explained the proposal and shared slides* with the group. Location is known as the Allan Brothers building. Property is currently listed as LI. Besides installing bicycle lanes, there are no proposed alterations to the property.

Questions to Staff – None

Applicant Testimony – Jamie Viveiros with Brand Land Use and Jacob Liedkie with Cornerstone Bible Church came forward to share slides* the application materials and explained the proposal. The building is a combination of office and warehouse space. There is no request to change the zoning of the property.

Questions from Commissioners – None

Public Testimony – None

Waiver - Chair asked if the applicant wished to waive the 7-day waiting period for submitting additional written arguments. Applicant agreed to waive the waiting period.

Procedural Questions to Staff – None

Public Hearing was closed at 5:27 p.m.

Commission Discussion – Green asked about the tax implications of changing the status of the property. The Applicant answered that it will be based on the occupancy of the building, regarding the leased spaces.

Motion: Commissioner Hill motioned to approve the conditional use to allow the religious assembly use in an existing building. Commissioner Bunch seconded the motion. Role vote was called with Yes votes - Miller, Green, Bunch, Bartholomew, Larson, Spilsbury, Cockeram, Hill. No votes - 0. Motion passed 8-0

Business from the Commission – Spilsbury asked to be excused from the discussion on the data center, feeling it was not in the purview of the Planning Commission and the role of the commission. He also remembered that the commission had decided, at a previous meeting, that Hill would bring the topic to City Council as a member of the community. Staff and commissioners discussed the previous decision and how to proceed with the data center topic. Hill did disclose that although they had not attended the City Council meeting, that an email was sent to the members of the City Council and a response was received by Van Drimmelen, expressing interest in the topic. Martineau shared that there is a request to have an upcoming joint work session between Planning Commission and City Council. Bunch reminded the group of what had happened in Hillsboro and Salem, feeling that the City Council is already thinking about the data center topic. Miller and Bartholomew expressed interest in getting the topic on a City Council agenda and to hopefully having a joint session to discuss it. All commissioners agreed.

Staff Update - none

Next meeting date
September 14, 2026, 5:15 p.m.

Adjournment – 5:47 p.m.

Respectfully submitted,

Talley Richardson
Administrative Assistant I

Reviewed by,

David Martineau
Current Planning Manager

**Documents discussed at the meeting that are not in the agenda packet are archived in the record. The documents are available by emailing cdaa@albanyoregon.gov.*

COMMUNITY DEVELOPMENT
333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | Community Development 541-917-7550

Staff Report

Annexation with Concurrent Zoning Map Amendment

Files: AN-01-26 & ZC-02-26 October 28, 2026

Hearing Information

Review Body:	**Planning Commission**
Hearing Date and Time:	**Monday, November 9, 2026, 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.albanyoregon.gov/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, December 16, 2026, 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@albanyoregon.gov 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.albanyoregon.gov/livestream In-Person: Appear in person at the meeting and register to speak using the sign-up

Summary

This application is a request to annex one tract of land measuring 0.90 acres that is outside the city limits along with adjacent right-of-way and a concurrent Zoning Map Amendment from Linn County's UGA-UGM-20 zoning designation to Residential Low Density (R-5).

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

With the annexation, the subject property 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 criteria for zoning map amendments 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 ONE CONDITION.

Application Information

Proposal:	Annexation of a 0.90-acre tract with a concurrent Zone Map Amendment from Linn County UGA/UGM-20 to R-5.
Review Body:	Planning Commission and City Council (Type IV Review)
Report Prepared By:	David Martineau, Project Planner
Applicant/Property Owner:	Envestment II LLC; 1650 NW Spring Meadow Drive; Corvallis, OR 97330
Representative:	Laura LaRoque, Pathfinder Land Use Consulting; PO Box 484; Lebanon, OR 97355; 503-501-7197; laura@pathfinderlanduse.com
Engineer:	Taylor Kiefel, MSS Engineering; 215 NW 4th Street; Corvallis, OR 97330; 541-753-1320; Taylork@mssengineering.com
Address:	450 Clover Ridge Road NE
Map/Tax Lot:	11S-03W-04AB, Tax Lot 100
Comprehensive Plan:	Residential Low Density
Overlay Districts:	Airport Horizontal Surface
Total Land Area:	0.90 acres

Review Process and Appeals

The proposal for annexation concurrent with a zoning map amendment are processed through a Type IV quasi-judicial and legislative land use review process. The planning commission will hold a public hearing to consider the proposal and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed annexation and zoning amendment. 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 September 29, 2026, 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 72 property owners within 300 feet of the subject property being annexed on October 19, 2026, in accordance with ADC 1.250(3) and ADC 1.260(2). Public notices were posted on the subject property by November 2, 2026, in accordance with ADC 1.410. Notice

of the public hearings was published in the *Albany Democrat-Herald* on October 24, 2026, in accordance with ADC 1.250(4) and 1.260(2).

The staff report for the proposed annexation with a concurrent zoning map amendment was posted on the City's website on November 2, 2026, at least seven days before the first evidentiary public hearing. At the time this report was prepared, the Albany Planning Division received no written comments.

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 subject property is located outside the Albany city limits and is proposed for annexation into the City of Albany. The property is contiguous to the existing city limits because it directly abuts property and/or public right-of-way that is currently within the Albany city limits. The annexation also includes adjacent right-of-way as necessary to create a logical city boundary and ensure that the annexed area is connected to the existing city limits.

1.2 The subject property is located within the Albany Urban Growth Boundary. Properties within the Urban Growth Boundary have been identified as appropriate for future urbanization and eventual annexation to the City, subject to compliance with applicable annexation criteria. Because the property is both contiguous to the existing city limits and located within the Albany Urban Growth Boundary, the property is eligible for annexation under ADC 2.110.

Conclusions

1.1 The subject property is eligible for annexation and these criteria are satisfied.

Criteria 2

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

(a) An adequate level of urban services and infrastructure is available or will be made available in a timely manner.

(b) As used in this section:

i. "Adequate level" means conforms to adopted plans and ordinances.

ii. "Urban services" means police, fire, and other City-provided services.

iii. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.

iv. "Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time

and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.

Findings of Fact

2.1 The subject property is addressed as 450 Clover Ridge Road NE and is located northwest of the Clover Ridge Road NE and Windy Avenue NE intersection. The annexation area includes the subject property and adjacent right-of-way. Existing public facilities are located along the Clover Ridge Road NE and Windy Avenue NE frontages and are available, or can be extended and connected to, at the time of development.

2.2 Fire Protection: Albany Fire Department currently provides fire protection services to the subject property and adjacent right-of-way. With annexation, the subject property will be removed from the Albany Rural Fire Protection District taxing district and will be served by City fire protection services.

2.3 Police: Police service to the subject property would be a logical expansion of the City's current service boundaries. Upon annexation, the property will be served by the Albany Police Department.

2.4 Sanitary Sewer: City utility maps indicate the presence of an 8-inch public sanitary sewer main along the Clover Ridge Road NE frontage and a 12-inch public sanitary sewer main at the intersection of Windy Avenue NE and Hummingbird Street NE, located southwest of the subject property. Accordingly, public sanitary sewer service is available to the site. ADC 12.470 requires new development to extend and connect to the public sanitary sewer system when service is available within 300 feet of the property. Therefore, the subject property will be required to extend and/or connect to public sanitary sewer at the time of development.

2.5 Water: City utility maps show a 12-inch public water main along the Clover Ridge Road NE frontage and an 8-inch public water main along the Windy Avenue NE frontage. The public water system is available to serve the subject property. ADC 12.410 requires new development to extend and connect to the public water system when service is available within 150 feet of the property. Therefore, the subject property will be required to extend and/or connect to public water at the time of development.

2.6 Storm Drainage: City utility maps show a 15-inch public storm drainage main along the Clover Ridge Road NE frontage and a 12-inch public storm drainage main along the Windy Avenue NE frontage. Public storm drainage facilities are available to serve the subject property. When the subject properties develop, if the added or replaced impervious areas result in more than 5,000 sq ft of impervious area, stormwater treatment and detention will be required per AMC 12.45.030 and ADC 12.570.

2.7 Streets: The subject property has frontage on Clover Ridge Road NE and Windy Avenue NE. Clover Ridge Road NE is classified as a minor collector and is constructed to city standards. Per current city and county maps, the right-of-way is 55 feet wide; to meet minimum right-of-way width of 60 feet, 5 feet of right-of-way dedication will be required at the time of future development.

2.8 Current maps show that Clover Ridge Road NE has not been annexed along the frontage of the subject property. The applicant's proposed annexation map shows the adjacent right of way in Clover Ridge Road NE being included in the annexation application.

2.9 Based on the existing public utilities and the City's ability to require necessary connections and improvements at the time of development, an adequate level of urban services and infrastructure is available or will be made available in a timely manner.

Conclusions

2.1 Existing public utilities (sanitary sewer, water, and storm drainage) are adequate to accommodate future development on the subject property.

2.2 To meet minimum right-of-way width of 60 feet for Clover Ridge Road NE, 5 feet of right-of-way dedication will be required at the time of future development.

2.3 The proposed annexation map shows the adjacent right of way in Clover Ridge Road Northeast being included in the annexation application.

2.4 This criterion is satisfied without conditions.

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 annexation includes the property addressed as 450 Clover Ridge Road NE, located northwest of the Clover Ridge Road NE and Windy Avenue NE intersection, together with adjacent right-of-way. The property is located within the Albany Urban Growth Boundary and is contiguous to the existing city limits.

3.3 The application includes annexation with a concurrent zoning map amendment. No Comprehensive Plan map amendment is proposed. The proposed zoning map amendment will apply an Albany zoning designation to the property upon annexation, consistent with the City's process for bringing urbanizable land into the city limits and applying City zoning.

3.4 Public facilities necessary to serve future development are available at or adjacent to the subject property. As discussed under Criterion 2 above, City utility maps indicate the presence of an 8-inch public sanitary sewer main along the Clover Ridge Road NE frontage and a 12-inch public sanitary sewer main at the intersection of Windy Avenue NE and Hummingbird Street NE, southwest of the subject property. Public water service is also available via a 12-inch public water main along the Clover Ridge Road NE frontage and an 8-inch public water main along the Windy Avenue NE frontage. In addition, public storm drainage facilities are available through a 15-inch public storm drainage main along the Clover Ridge Road NE frontage and a 12-inch public storm drainage main along the Windy Avenue NE frontage. These findings are incorporated herein by reference.

3.5 Future development of the property will be reviewed for compliance with applicable City standards, including standards for sanitary sewer, water, storm drainage, streets, access, frontage improvements, and stormwater management. Any required public improvements

or utility connections will be required or secured at the time of development.

3.6 Based on the applicable public facility plans, the availability of public infrastructure at or near the subject property, and the City's ability to require necessary improvements through future development review, sufficient planning and engineering data have been provided. There are no significant unresolved issues regarding the applicable Comprehensive Plan or implementing ordinances that would preclude annexation.

Conclusions

3.1 As discussed under Criterion 2, an adequate level of urban services and infrastructure are available to serve the subject property.

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 proposed annexation is reasonable because the subject property is located within the Albany Urban Growth Boundary, is contiguous to the existing city limits, and can be served by City urban services and infrastructure. The property is addressed 450 Clover Ridge Road NE and is located northwest of the Clover Ridge Road NE and Windy Avenue NE intersection. The annexation area includes the subject property and adjacent right-of-way.

4.2 The annexation is an island annexation involving territory that is surrounded by, or substantially surrounded by, the existing city limits. Annexing the property will bring the territory into the City's jurisdiction and eliminate or reduce an unincorporated island within the urbanized area. Including the adjacent right-of-way with the subject property will support a logical and orderly city boundary.

4.3 As discussed under the infrastructure criteria, public sanitary sewer, water, and storm drainage facilities are available along the Clover Ridge Road NE and Windy Avenue NE frontages. Police and fire protection services can also be provided upon annexation. Future development will be required to comply with applicable City standards for utilities, streets, access, stormwater management, and other public improvements.

4.4 The annexation will allow the property to be served by City services and regulated under the Albany Development Code. The concurrent zoning map amendment will apply an Albany zoning designation to the property upon annexation. Because the property is within the Urban Growth Boundary, is contiguous to the existing city limits, and is capable of being served by available or extendable urban infrastructure, annexation is a reasonable and orderly extension of the City.

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 the proposed annexation is consistent with the Comprehensive Plan.

4.2 This criterion is satisfied.

Zoning Map Amendment (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 No Comprehensive Plan Map amendment is proposed with this application. The existing Comprehensive Plan Map designation for the subject property is Residential Low-Density. The property is currently zoned Linn County Urban Growth Area-Urban Growth Management, 20-acre minimum. Upon annexation, the applicant proposes to apply the City of Albany R-5 Residential District zoning designation.

1.2 Table 2.760-1, Plan Designation Zoning Matrix, identifies the R-5 Residential District as a compatible zoning district for properties with a Low Density Residential Comprehensive Plan designation. Therefore, the proposed R-5 Residential District is consistent with the existing Residential Low-Density Comprehensive Plan Map designation.

Conclusion

1.1 Because the proposed base zone is compatible with the existing Comprehensive Plan Map designation, and no Comprehensive Plan Map amendment is proposed, 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 The proposed zone map amendment would apply the City of Albany R-5 Residential District to the subject property upon annexation. The R-5 zone is consistent with the existing Residential Low-Density Comprehensive Plan Map designation and would allow residential uses anticipated for the property.

2.2 The subject property has frontage on Clover Ridge Road NE and Windy Avenue NE. Figure 7-4 of the Albany Transportation System Plan identifies Clover Ridge Road NE as a minor collector and Windy Avenue NE as a local street. These transportation facilities provide access to the property and connect the site to the surrounding street system.

2.3 No specific development is proposed with the annexation and zone map amendment. Therefore, the application does not approve a particular site layout, access location, or development intensity. Future development of the property will be reviewed for compliance with applicable City transportation standards, including access, frontage improvements, right-of-way dedication, pedestrian facilities, and any other improvements required by the Albany Development Code and Transportation System Plan.

2.4 If additional transportation improvements are needed to serve development allowed under the R-5 zoning designation, those improvements will be required or secured at the time of development review.

2.5 In addition, as discussed under Criterion 5 below, the proposed R-5 zoning implements the existing Residential Low-Density Comprehensive Plan Map designation and is not expected to significantly affect existing or planned transportation facilities under OAR 660-012-0060.

2.6 Based on the existing street frontages, the functional classifications identified in the Transportation System Plan, the surrounding transportation network, and the City's ability to require necessary transportation improvements at the time of development, existing or

anticipated transportation facilities are adequate for uses permitted under the proposed R-5 Residential District.

Conclusions

2.1 Existing or anticipated transportation facilities are adequate for the proposed R-5 zoning district.

2.2 This criterion is satisfied.

Criterion 3

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

Findings of Fact

3.1 This criterion is addressed under Criterion 2 of the Annexation review criteria; those findings and conclusions are included here by reference.

3.2 Public services and infrastructure are available to accommodate future development of the site, as permitted under the proposed R-5 zoning district.

3.3 Any specific infrastructure requirements for future development would be determined at the time of land use application for the development.

3.4 Schools: The property is planned for low-density residential use under the existing Comprehensive Plan Map designation. Because no specific development or dwelling unit count is proposed with this application, the annexation and zoning map amendment do not approve a specific level of school service demand. Potential school impacts associated with future residential development are consistent with residential growth anticipated by the Comprehensive Plan and will be based on the actual development proposed at the time of future land use or development review.

Conclusions

3.1 Existing and anticipated public services and utilities, including sanitary sewer, water, storm drainage, schools, police, and fire protection, are available or can be made available to accommodate potential development of the subject property without adverse impact on the affected service area.

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 proposed zoning map amendment would apply the City of Albany R-5 Residential District to the subject property upon annexation. The existing Comprehensive Plan Map designation for the property is Residential Low-Density. No Comprehensive Plan Map amendment is proposed with this application.

4.2 The R-5 Residential District implements the Residential Low-Density Comprehensive Plan Map designation and is identified as a compatible zoning district in Table 2.760-1, Plan Designation Zoning Matrix. The Residential Low-Density designation is intended for low-density residential development, including detached single dwelling units and middle housing. Applying the R-5 Residential District upon annexation will allow future residential development consistent with the adopted Comprehensive Plan designation and subject to City development standards.

4.3 The subject property is located within the East Albany Plan area. The East Albany Plan supports the future urbanization of East Albany through new neighborhoods, housing opportunities, transportation connections, and efficient use of public infrastructure. The proposed R-5 zoning is consistent with this planning framework because it preserves the property for residential use and allows future development to occur under City standards.

4.4 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed R-5 zoning designation best satisfies the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed below in bold italic print.

Statewide Planning Goal 1: Citizen Involvement (Chapter 9)
Goal: Ensure that local citizens and other affected groups, neighborhoods, agencies, and jurisdictions are involved in every phase of the planning process.

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

a. Actively seek input from all points of view from citizens and agencies and assure that interested parties from all areas of the Urban Growth Boundary have the opportunity to participate.

b. Utilize all criteria relevant to the issue.

c. Ensure the long-range interests of the general public are considered.

d. Give particular attention to input provided by the public.

e. Where opposing viewpoints are expressed, attempt to reach consensus where possible.

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

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

4.5 The application will be reviewed through the applicable public notice and hearing process before the Planning Commission and City Council. Notice will be provided to surrounding property owners, affected agencies, and interested parties in accordance with the Albany Development Code. The public hearing process provides an opportunity for written and oral testimony, review of applicable criteria, and consideration of public and agency comments before a final decision is made. Therefore, the proposal is consistent with the Comprehensive Plan goals and policies for citizen involvement.

4.6 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 annexations together with comprehensive plan and zoning map amendment, notice was mailed to surrounding property owners within 300 feet of the subject property and affected government agencies. Notice of the public hearings was also posted in two places surrounding the subject property and published in the *Albany Democrat Herald*. People who were notified of the public hearings were invited to submit comments or questions about the application prior to or at the hearing.

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 The proposed zoning map amendment is based on the existing Residential Low-Density Comprehensive Plan Map designation, the Albany Development Code zoning matrix, the East Albany Plan, adopted public facility plans, City utility information, and the Albany Transportation System Plan. The proposed R-5 Residential District is a compatible zoning district for the Residential Low-Density designation. Because no Comprehensive Plan Map amendment is proposed, the existing Comprehensive Plan designation will remain unchanged and will be implemented through the proposed City zoning district. Sufficient planning and engineering information has been provided to evaluate the proposed zoning designation, and there are no significant unresolved land use planning issues that would preclude approval.

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.

4.8 The proposed R-5 Residential District will maintain the property for residential use and allow future housing development consistent with the Residential Low-Density Comprehensive Plan Map designation. The property is located within the Urban Growth Boundary and within the East Albany Plan area, where future urban residential development is anticipated. Existing and anticipated urban services are available or can be made available to serve future development, including sanitary sewer, water, storm drainage, transportation facilities, police, and fire protection. The proposal supports the City's ability to accommodate residential growth within the Urban Growth Boundary in an area planned for urban residential use.

Statewide Planning Goal 11: Public Facilities and Services (Chapter 6)

Goal 1: Provide for the orderly and efficient provision of public facilities and services to accommodate planned growth.

4.9 Public facilities necessary to serve future development are available at or adjacent to the subject property. City utility maps indicate the presence of an 8-inch public sanitary sewer main along the Clover Ridge Road NE frontage and a 12-inch public sanitary sewer main at the intersection of Windy Avenue NE and Hummingbird Street NE, southwest of the subject property. Public water service is also available via a 12-inch public water main along the Clover Ridge Road NE frontage and an 8-inch public water main along the Windy Avenue NE frontage. In addition, public storm drainage facilities are available through a 15-inch public storm drainage main along the Clover Ridge Road NE frontage and a 12-inch public storm drainage main along the Windy Avenue NE frontage.

4.10 Future development will be required to extend and/or connect to public facilities and construct any necessary improvements in accordance with City standards. Police and fire protection services can be provided upon annexation. At the time of annexation, the subject property will be removed from the Albany Rural Fire Protection District taxing district and added to the Albany Fire District. Therefore, the proposed R-5 zoning is consistent with Comprehensive Plan policies for public facilities and services.

Statewide Planning Goal 12: Transportation (Chapter 5)

Goal 1: Provide an efficient transportation system that provides for the local and regional movement of people and goods.

Goal 2: Provide a safe transportation system.

Goal 3: Provide a diversified transportation system that ensures mobility for all members of the community and provides alternatives to automobile travel.

Goal 4: Provide a transportation system that balances financial resources with community livability and economic vitality.

4.11 The subject property has frontage on Clover Ridge Road NE and Windy Avenue NE. According to Figure 7-4 of the Albany Transportation System Plan, Clover Ridge Road NE is classified as a minor collector, and Windy Avenue NE is classified as a local street. These streets provide access to the property and connect the site to the surrounding transportation network.

4.12 No specific development is proposed with this annexation and zoning map amendment. Future development will be reviewed for compliance with applicable City transportation standards, including access, frontage improvements, right-of-way, pedestrian facilities, and any other improvements required by the Albany Development Code and Transportation System Plan. Any transportation improvements required will be secured at the time of development. Therefore, the proposal is consistent with Comprehensive Plan transportation goals and policies.

Statewide Planning Goal14: Urbanization (Chapter 8) To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

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

Policy 6: Require annexations to be logical and efficient extensions of city limit boundaries to facilitate the economic provision of services.

4.13 The subject property is located within the Albany Urban Growth Boundary and is proposed for annexation as an island annexation. Applying the R-5 Residential District upon annexation will transition the property from Linn County urban growth area zoning to City zoning and development standards. This supports orderly urbanization and allows future development to be served by City services and reviewed under the Albany Development Code.

4.14 The proposed R-5 zoning supports efficient use of land and infrastructure because the property is in an area where public facilities and transportation facilities are available or can be provided. Future residential development will be required to connect to available public facilities and construct any necessary improvements at the time of development. The proposal therefore supports a logical and efficient land use pattern, the economic

provision of public services, and the continued urbanization of land within the Urban Growth Boundary.

4.15 The proposed R-5 Residential District implements the existing Residential Low-Density Comprehensive Plan Map designation, is consistent with the East Albany Plan, supports future housing within the Urban Growth Boundary, and allows development to occur under City standards where public facilities and transportation access are available or can be provided.

Conclusions

4.1 The intent and purpose of the proposed R-5 Residential District best satisfies the applicable goals and policies of the Comprehensive Plan.

4.2 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 applicable City-contracted or funded land use and transportation plans or studies include the East Albany Plan and the Albany Transportation System Plan. The Albany Comprehensive Plan also provides the adopted land use policy framework for the property, although Comprehensive Plan consistency is addressed more directly under the preceding criterion.

5.2 The subject property is located within the East Albany Plan area and is designated Residential Low-Density on the Comprehensive Plan Map. The proposed R-5 Residential District implements that designation and follows the planned residential land use pattern for the property. No Comprehensive Plan Map amendment is proposed, and the application does not propose a departure from the adopted land use pattern.

5.3 The subject property has frontage on Clover Ridge Road NE and Windy Avenue NE. According to Figure 7-4 of the Albany Transportation System Plan, Clover Ridge Road NE is classified as a minor collector, and Windy Avenue NE is classified as a local street. These streets provide access to the property and connect the site to the surrounding transportation network. The proposed R-5 zoning is consistent with the function of these streets and the residential land use pattern planned for the area.

5.4 Zone changes are subject to the Transportation Planning Rule under OAR 660-012-0060. Under OAR 660-012-0060(9), a local government may find that a zoning map amendment does not significantly affect an existing or planned transportation facility when the proposed zoning is consistent with the existing Comprehensive Plan Map designation, the amendment does not change the Comprehensive Plan Map, the local government has an acknowledged Transportation System Plan, and the zoning is consistent with the Transportation System Plan.

5.5 The proposed R-5 zoning is consistent with the existing Residential Low-Density Comprehensive Plan Map designation, and no Comprehensive Plan Map amendment is proposed. The City has an adopted Transportation System Plan, and the proposed zoning is consistent with the planned residential land use and transportation pattern for the area. Therefore, the proposed zoning map amendment is not expected to significantly affect existing or planned transportation facilities.

5.6 No specific development is proposed with the annexation and zoning map amendment. Future development will be reviewed for compliance with applicable City standards, including access spacing, frontage improvements, right-of-way dedication, pedestrian facilities, utilities, stormwater management, and other improvements required by the Albany Development Code, the Transportation System Plan, and applicable public facility standards. If future development generates traffic above applicable City thresholds, a traffic study or other transportation analysis may be required at the time of development review.

5.7 The application follows the land use and transportation pattern recommended in the applicable City plans and studies. No departure from an applicable City-contracted or funded land use or transportation plan or study is proposed.

Conclusions

5.1 The proposed zoning map amendment follows the land use and transportation pattern recommended in the applicable City plans and studies.

5.2 This criterion is satisfied.

Overall Conclusion

As proposed and conditioned, the applications for Annexation concurrent with a Zoning Map Amendment satisfies all applicable review criteria outlined in this report.

Condition

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 recommend the planning commission choose Option 2 and recommend approval of the annexation and zoning map amendment as conditioned under Option 2. 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 applications for annexation with concurrent rezone to R-5 under planning files AN-01-26 and ZC-02-26, as described in the October 26, 2026, 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.

Acronyms

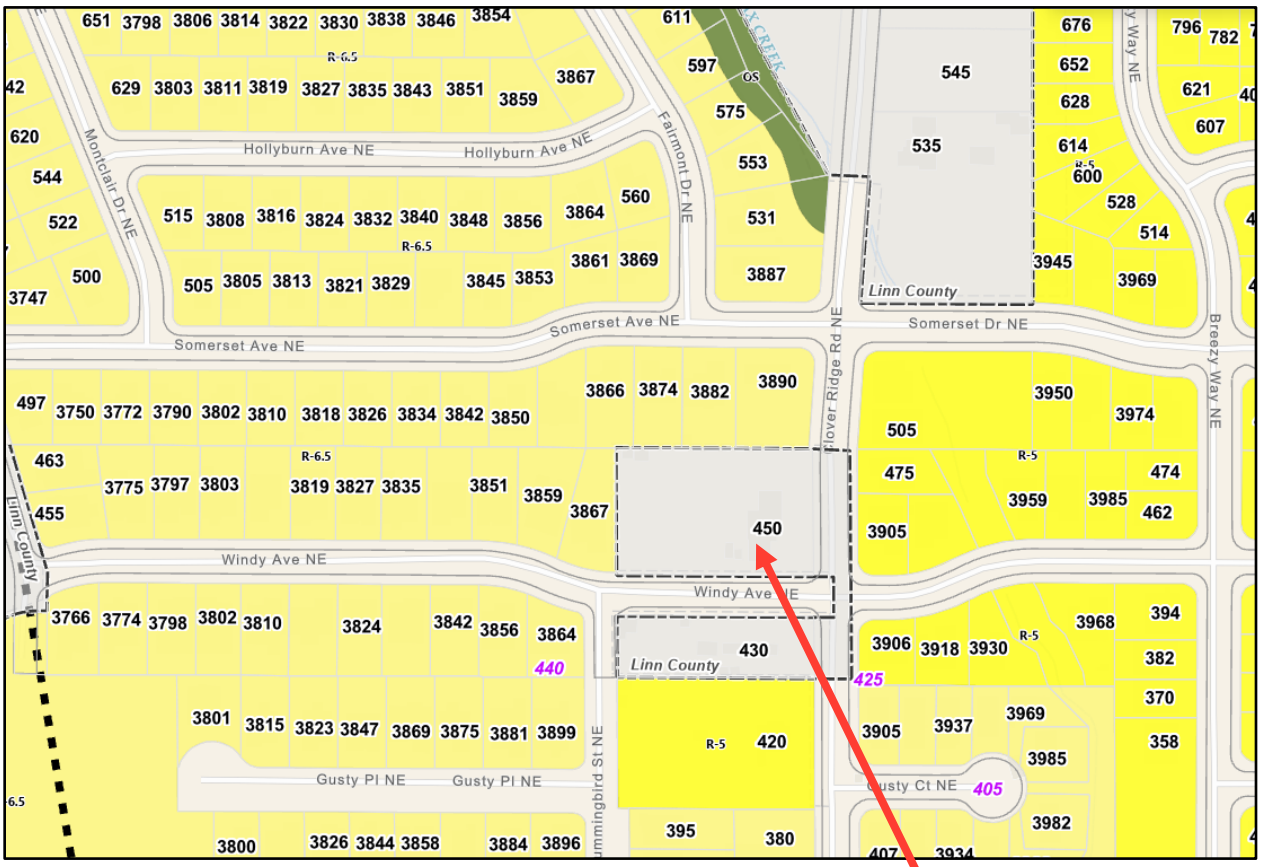
ADC	Albany Development Code
ADT	Average Daily Traffic
AMC	Albany Municipal Code
AN	Annexation File Designation

CP	Comprehensive Plan File Designation
DLCD	Oregon Department of Land Conservation and Development
ITE	Institute of Transportation Engineers
LOS	Level of Service
LUBA	Oregon Land Use Board of Appeals
OAR	Oregon Administrative Rules
ODOT	Oregon Department of Transportation
R-5	Residential District
TPR	Transportation Planning Rule
TSP	Transportation Systems Plan
UGA-UGM	Urban Growth Area – Urban Growth Management (Linn Co.)
ZC	Zone Change File Designation

Attachments

A. Location Map
B. Annexation Maps
C. Tax Lot Map

Location Map



LEGEND

- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINES
- CENTERLINE
- EASEMENT LINES
- EXISTING CITY LIMITS
- PROPOSED CITY LIMITS
- BUILDING
- CURB
- SIDEWALK
- FENCE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN LINE
- OHP — OVERHEAD POWER
- UGP — UNDERGROUND POWER

- ZONE R–5
- ZONE R–6.5
- CONCRETE PAVING
- ASPHALT PAVING
- GRAVEL SURFACE

- STORM MANHOLE
- STORM CATCHBASIN
- STORM/SEWER CLEANOUT
- SEWER MANHOLE
- WATER METER
- WATER VALVE
- FIRE HYDRANT
- POWER/UTILITY POLE
- STREET LIGHT
- STREET SIGN
- DECIDUOUS TREE

0 40 60 80

SCALE IN FEET
1 Inch = 40 ft.

KYLE & ASHLEY TAYLOR STUDDARD
3866 SOMERSET DR NE
TAXLOT: 10S03W33DD01500
0.17 ACRES

SHAWN O HOLM
3874 SOMERSET DR NE
TAXLOT: 11S03W04AB00100
0.9 ACRES

3882 SOMERSET AV NE LLC
3882 SOMERSET DR NE
TAXLOT: 10S03W33DD01300
0.19 ACRES

BENJAMIN L & KELSEY PETERS
3890 SOMERSET DR NE
TAXLOT: 10S03W33DD01200
0.27 ACRES

ZONE R-5

GARRETT W & CARRIE C BATEMAN
505 CLOVER RIDGE RD NE
TAXLOT: 10S03W3401500
0.59 ACRES

ERIC & HURTADO MONICA JUAREZ LULE
475 CLOVER RIDGE RD NE
TAXLOT: 11S03W04AA02500
0.13 ACRES

SUN JUNE & HAE SOOK KWON
3905 WINDY AVE NE
TAXLOT: 11S03W04AA02700
0.14 ACRES

KELLEY M & RANDY L THOMPSON
3867 WINDY AVE NE
TAXLOT: 11S03W04AB02700
0.59 ACRES

ZONE R-6.5

PROPOSED ROW ANNEXATION
3876 SF
0.09 ACRES

NATHAN SMITH
450 CLOVER RIDGE RD NE
TAXLOT: 11S03W04AB00100
38055 SF
0.9 ACRES
ZONE UGA–UGM–20

PROPOSED ZONE R-5

WINDY AVENUE NE
(50.04 R/W)

JOHN DOW
3864 WINDY AVE NE
TAXLOT:11S03W04AB02800
0.14 ACRES

TIM & LYNN M TUBRA
430 CLOVER RIDGE RD NE
TAXLOT: 11S03W04AB00200
0.43 ACRES

ZONE UGA-UGM-20

ZONE R-5

CLOVER RIDGE RD
(CR 320)
(55' R/W)

ZONE R-5

EXISTING CITY LIMITS

PROPOSED CITY LIMITS

Beth Smith
1650 NW Spring Meadow Dr
Corvallis, Oregon
(602) 296-5957

REVISIONS | DATE | BY

SMITH 450 CLOVER RIDGE RD NE DEVELOPMENT
ALBANY, OREGON

ANNEXATION MAP

450 CLOVER RIDGE RD NE

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

JOB #	FILE	DRAW
25010	MAP	JDM
SCALE	DATE	
AS SHOWN	06/10/2026	

MAP 1
1 OF 2 SHEETS

LEGEND

- PROPERTY BOUNDARY
- ADJACENT PROPERTY LINES
- CENTERLINE
- EASEMENT LINES
- EXISTING CITY LIMITS
- PROPOSED CITY LIMITS
- BUILDING
- CURB
- SIDEWALK
- FENCE
- WAT — WATERLINE
- SAN — SANITARY SEWER
- STM — STORM DRAIN LINE
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- CONCRETE PAVING
- ASPHALT PAVING
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- STORM/SEWER CLEANOUT
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- WATER METER
- WATER VALVE
- FIRE HYDRANT
- POWER/UTILITY POLE
- STREET LIGHT
- STREET SIGN
- DECIDUOUS TREE

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SCALE IN FEET
1 Inch = 40 ft.

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TAXLOT: 10S03W33DD01500
0.17 ACRES

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0.14 ACRES

TIM & LYNN M TUBRA
430 CLOVER RIDGE RD NE
TAXLOT: 11S03W04AB00200
0.43 ACRES

S89°39'12"E 243.99'

S0°19'52"E 153.98'

S0°24'12"E 155.80'

N89°42'29"W 244.18'

8' PACIFIC POWER UTILITY EASEMENT PER DOC VOL 1549 PG 199

PROPOSED ROW ANNEXATION
3876 SF
0.09 ACRES

WINDY AVENUE NE
(50.04 R/W)

CLOVER RIDGE RD
(CR 320)
(55' R/W)

EXISTING CITY LIMITS

PROPOSED CITY LIMITS

Beth Smith
1650 NW Spring Meadow Dr
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(602) 296-5957

REVISIONS	DATE	BY

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ALBANY, OREGON

ANNEXATION MAP

450 CLOVER RIDGE RD NE

MSS INC
ENGINEERING CONSULTANTS AND PLANNERS
215 NW 4th STREET
CORVALLIS, OR 97330
(541) 753-1320 FAX:(541) 753-5956

JOB #	FILE	DRAW
25010	MAP	JDM
SCALE	DATE	
AS SHOWN	06/10/2026	

MAP 2
1 OF 2 SHEETS

11S03W04AB

11S03W04AB

Linn County, Oregon

N.W.1/4 N.E.1/4 SEC. 4 T.11S. R.3W. W.M.

Scale 1"=100'

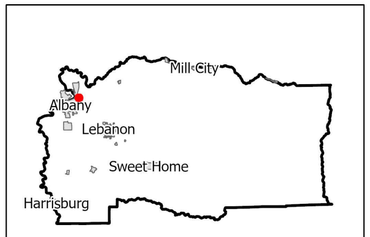
Legend

- PublicRoadCL
- RailroadCL
- Subdivison
- TaxCodeLines
- Historical Boundary

Canceled taxlots

900

Printed on: 10/17/2025



MAP FOR ASSESSMENT PURPOSES ONLY

N

ALBANY
11S03W04AB

11S03W04AB

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

Staff Report

Street Vacations

File: VC-01-26 **October 30, 2026**

Hearing Information

Review Body:	**Planning Commission**
Hearing Date and Time:	**Monday, November 9, 2026, 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.albanyoregon.gov/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, December 16, 2026, 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@albanyoregon.gov 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.albanyoregon.gov/livestream In-Person: Appear in person at the meeting and register to speak using the sign-up

Summary

On May 6, 2024, the Albany City Council initiated the vacation of Thurston Street and Jefferson Street public right of way north of Water Avenue.

The planning commission's recommendation on the proposal will be presented to the city council, who is the final decisionmaker on this request.

Staff recommend the planning commission make a recommendation to the city council to approve the vacation of the right-of-way.

Application Information

File:	VC-01-26
Proposal:	City-initiated vacation of Thurston Street and Jefferson Street public right of way north of Water Avenue.

Review Body:	Planning Commission and City Council (Type IV-Q Review)
Staff Report Prepared By:	David Martineau, project planner
Applicant/Property Owner:	City of Albany, Aaron Hiemstra; PO Box 490; Albany, OR 97321; 541-704-2325; aaron.hiemstra@albanyoregon.gov
Address/Location:	521, 655, & 703 Water Avenue NE
Map/Tax Lots:	Linn County Assessor's Map No. 11S-03W-06DC Tax Lots 100, 6900, 6901, 7001, 7200
Zoning District:	Waterfront (WF)
Comp. Plan Map Designation:	Village Center & Open Space
Total Land Area	31,000 square feet
Existing Land Use:	Undeveloped Right-of-Way

Review Process and Appeals

The proposed vacation is processed through a Type IV quasi-judicial land use review process. The planning commission will hold a public hearing to consider the proposed vacation and will make a recommendation to the city council. The city council will hold a subsequent public hearing to consider the proposed vacation. 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 (Albany Development Code (ADC) 1.250).

Public Notice

A public notice was mailed to surrounding property owners within 200 or 400 feet of the subject portion of right-of-way on October 19, 2026, in accordance with Oregon Revised Statutes (ORS) 271 and ADC 1.250. A public notice was posted on the portions of right-of-way to be vacated by November 2, 2026, in accordance with ADC 1.250(4). Notice of the public hearing was published in the *Albany Democrat-Herald* on October 27, 2026, and November 3, 2026, in accordance with ADC 1.250(4).

The staff report for the proposed vacation was posted on the City's website on November 2, 2026, at least seven days before the first evidentiary public hearing. At the time this report was published, the Albany Planning Division had received no written comments.

Analysis of Development Code Criteria

The Albany Development Code (ADC or Code) 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.

Vacation Review Criteria

Criterion 1

The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.

Findings of Fact

1.1 The Albany Transportation System Plan has the Thurston Street Canal Pedestrian Esplanade (P11) located along Thurston Street. The esplanade is an open canal with multi-use paths along both sides of the canal. The northern segment of the esplanade terminates at the Dave Clark Path. The open channel portion of the esplanade is not feasible north of Water Avenue due to the rail crossing and existing access to an adjacent business. The existing rail crossing provided for pedestrian access along the west side of the Thurston Steet across Water Avenue. The city will retain a public access easement over the vacated right-of-way to allow for pedestrian amenities to be constructed from the rail crossing to the Dave Clark Path. ODOT Rail forced the closure of Jefferson Street rail crossing as part of the Waterfront Project.

1.2 Thurston Street and Jefferson Street are "paper" streets that are not improved to City standards and lack right-of-way to be constructed to City standards. The right-of-way currently only provides driveway access to adjacent properties

1.3 Thurston Street has a public storm drainage pipe with outfall and Jefferson Street has a public sanitary sewer main. A public utility easement will be retained to maintain access for maintenance.

1.4 The adopted Comprehensive Plan has the Thurston Street canal designated as Open Space. This is consistent with the open channels within Albany for creeks and the Albany-Santiam Canal. The open channel along Thurston Street terminates at 2nd Avenue when it goes into an inlet and goes under Thruston Street. The canal north of 2nd Avenue was covered prior to 1963 (aerial map) and the comprehensive plan adoption and has been used for access to these properties since at least 1948 (aerial map).

Conclusions

1.1 Vacating these right-of-ways are consistent with the Open Space along the open canal on Thruston in the Comprehensive Plan, Albany Transportation System Plan and Utility Master Plans.

1.2 This criterion is met.

Criterion 2

The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

Findings of Fact

2.1 A public access easement will be retained over Thurston Street to allow all adjacent parcels access to Water Avenue and pedestrian access to Dave Clark Path. All existing properties in the area will have access to an existing improved street.

2.2 A public access easement will be retained over Jeferson Street to allow for interconnection between developable properties that cannot access Water Avenue from Jefferson Street. Public utility easements will be retained over the public utilities within Thurston Street and Jefferson Street.

Conclusions

2.1 All adjacent properties currently have access to public streets.

2.2 Access will be maintained by retaining public access easements over the vacated right-of-ways. This will allow the city to still require a pedestrian connection from the Thurston Street Canal Pedestrian Esplanade (P11) to the Dave Clark Path.

2.3 Retaining utility easements will maintain the City's ability to maintain public utilities.

2.4 This criterion is satisfied.

Criterion 3

The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

Findings of Fact

3.1 The right-of-ways proposed to be vacated will be replaced by public access easements. This will ensure existing businesses have emergency access.

Conclusion

3.1 There will be no negative effect on traffic circulation or emergency service protection due to vacating these right-of-ways.

3.2 This criterion is satisfied without conditions.

Criterion 4

The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

Findings of Fact

4.1 The current Thurston Street right-of-way is unpaved, and the adjacent rail crossing was improved to ODOT standards with the Waterfront Project. The rail crossing will remain within the public right-of-way.

4.2 Future development will be able to improve the access north of the rail crossing with future development without having to obtain an ODOT crossing order. The future improvements to Thurston Street would include a pedestrian connection to Dave Clark Path. Improvements would match Jackson Street that was vacated in 2008.

4.3 Jefferson Street right-of-way is unimproved and does not have a rail crossing to provide access to Water Avenue. ODOT rail removed this rail crossing with the last crossing order along Water Avenue.

Conclusions

4.1 The vacated Jefferson Street and Thurston Street right-of-ways will be in compliance with the Development Code and improved as adjacent parcels redevelop.

4.2 This criterion is satisfied without conditions.

Criterion 5

The public interest, present and future, will be best served by approval of the proposed vacation.

Findings of Fact

5.1 The vacated Thurston Street and Jefferson Street right-of-ways will be converted into public access easements and utility easements. It is in the public's interest to have this right-of-way converted into a public access easement instead of a public road.

5.2 Jefferson Street would not be able to be improved due to inability to obtain a rail crossing at this location. Thurston Street, as a public road, would need to be maintained by the city and additional right-of-way would need to be acquired for proper termination of a dead-end street. A cul-de-sac or hammerhead would be required to be constructed to allow for vehicle turnaround according to Albany Development Code.

5.3 Other right-of-ways north of Water Avenue have also been vacated such as Railroad Street and Jackson Street. This vacation would be consistent with other vacations the city has approved.

Conclusion

5.1 This criterion is satisfied without conditions.

Overall Conclusion

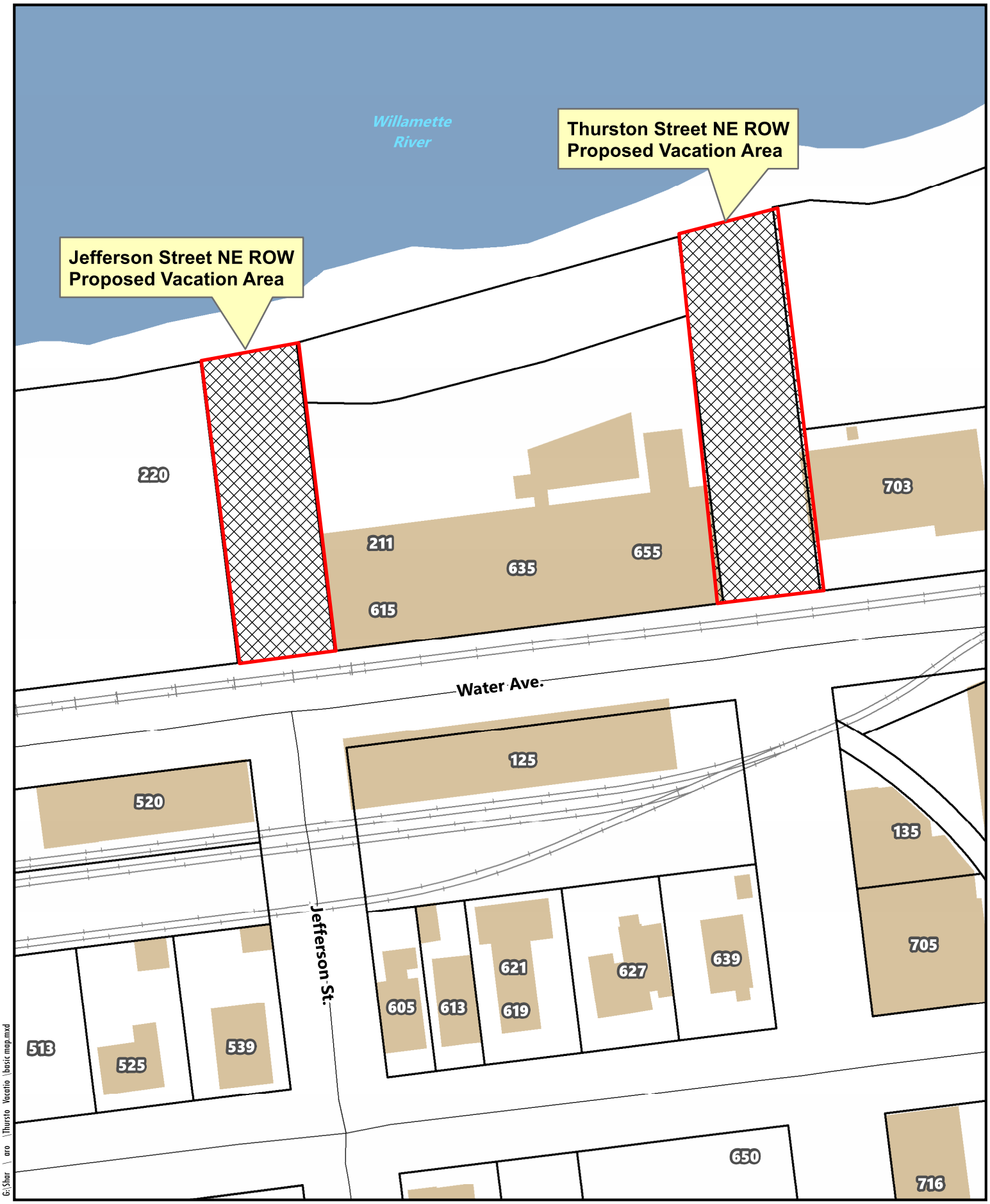
As proposed, the application for right-of-way vacations satisfies all applicable review criteria as outlined in this report.

Attachments

A. Location Map
B. Jefferson Street Legal Description
C. Thurston Street Legal Description
D. Applicant's Findings

Acronyms

ADC	Albany Development Code
AMC	Albany Municipal Code
FEMA	Federal Emergency Management Agency
FIRM	Floodplain Insurance Rate Map
TSP	Transportation Systems Plan
VC	Vacation File Designation
WF	Waterfront Zoning District



G:\Shar \ aro \Thursto Vacatio \basic map.mxd

1 in = 83 ft

Thurston Street NE and Jefferson Street NE Vacation

Date: 4/23/2024 Map Source: City of Albany

EXHIBIT A
Legal Description

RIGHT-OF-WAY VACATION

A portion of the right-of-way of Jefferson Street, as per Hackleman's Addition to Albany, located in the southeast quarter of Section 6, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, County of Linn, being more particularly described as follows and as shown on the attached map labeled "EXHIBIT B".

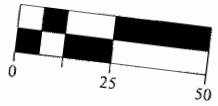
All of Jefferson Street right-of-way north of Water Street and south of the Willamette River.



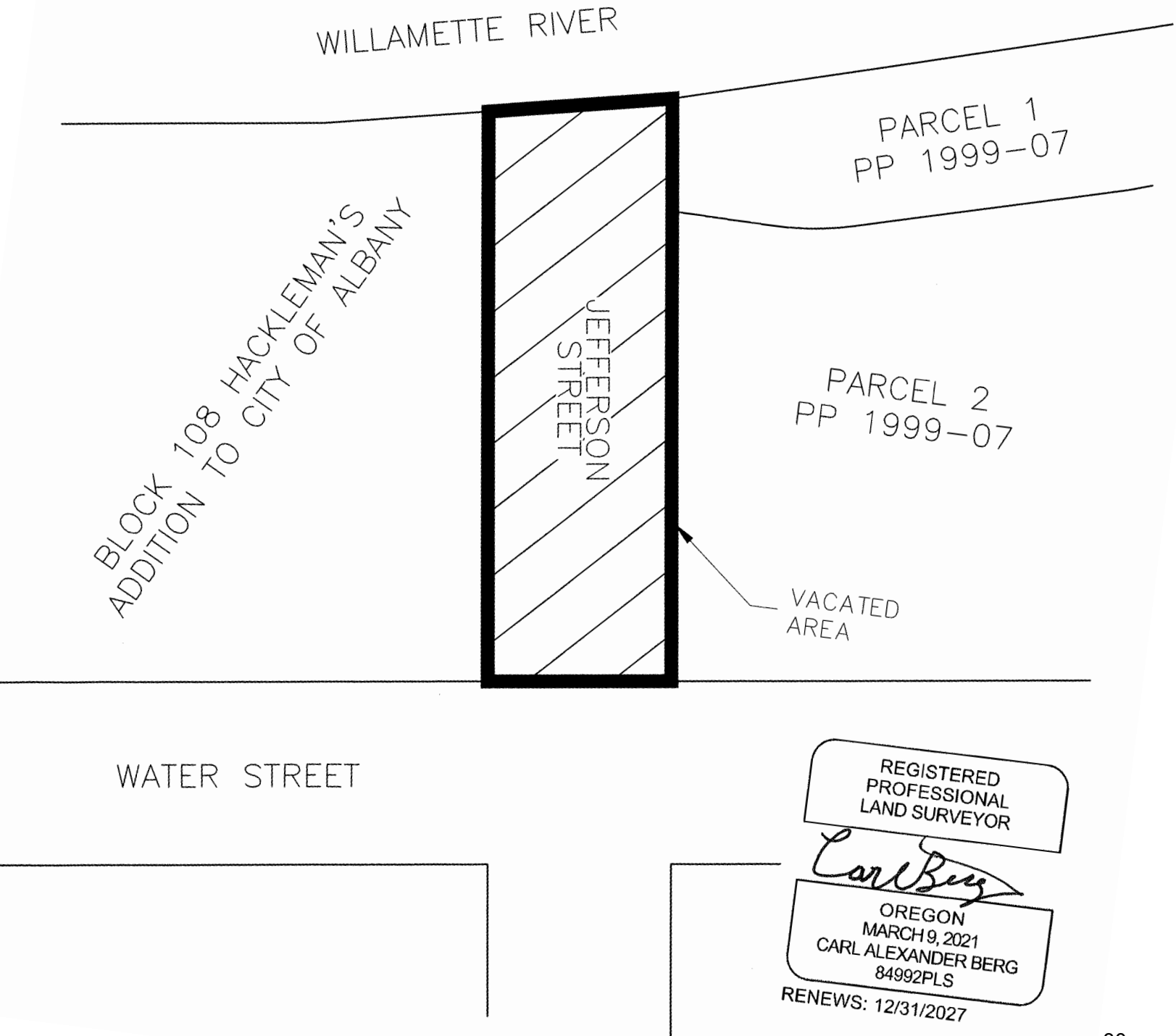
RENEWS: 12/31/2027

EXHIBIT B

CITY OF ALBANY
RIGHT-OF-WAY VACATION
LOCATED IN
SECTION 6, T11S, R3W, W.M.







REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 9, 2021
CARL ALEXANDER BERG
84992PLS

RENEWS: 12/31/2027

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All of Thurston Street right-of-way north of Water Street and south of the Willamette River,

EXCEPTING THEREFROM:

The 20 feet of right-of-way adjacent to and north of the north right-of-way of Water Street, more particularly described as follows:

Beginning at the southeast corner of Parcel 2, Partition Plat 1999-07, filed as Linn County Survey 22399;
Thence North 81°53'53" East 66.00 feet to the southwest corner of Block 116 Hackleman's Addition to City of Albany;
Thence North 8°24'13" West 20.00 feet along the east right-of-way of Thurston Street;
Thence South 81°53'53" West 66.00 feet to the west right-of-way of Thurston Street;
Thence South 8°24'13" East 20.00 feet along the west right-of-way of Thurston Street to the Point of Beginning.



RENEWS: 12/31/2027

EXHIBIT B

CITY OF ALBANY
RIGHT-OF-WAY VACATION
LOCATED IN
SECTION 6, T11S, R3W, W.M.





WILLAMETTE RIVER

PARCEL 1
PP 1999-07

PARCEL 2
PP 1999-07

THURSTON STREET

BLOCK 116
HACKLEMAN'S ADDITION TO
CITY OF ALBANY

SE CORNER
PARCEL 2

VACATED
AREA

20'

WATER STREET

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
MARCH 9, 2021
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84992PLS

RENEWS: 12/31/2027

Jefferson Street and Thurston Street- Vacation Review Criteria

(1) The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan city transportation or public facility plan.

Fact: The Albany Transportation System Plan has the Thurston Street Canal Pedestrian Esplanade (P11) located along Thruston Street. The esplanade is an open canal with multi-use paths along both sides of the canal. The northern segment of the esplanade terminates at the Dave Clark Path. The open channel portion of the esplanade is not feasible north of Water Avenue due to the rail crossing and existing access to an adjacent business. The existing rail crossing provided for pedestrian access along the west side of the Thurston Steet across Water Avenue. The city will retain a public access easement over the vacated right-of-way to allow for pedestrian amenities to be constructed from the rail crossing to the Dave Clark Path. ODOT Rail forced the closure of Jefferson Street rail crossing as part of the Waterfront Project.

Thurston Street and Jefferson Street are “paper” streets that are not improved to City standards and lack right-of-way to be constructed to City standards. The right-of-way currently only provides driveway access to adjacent properties

Thurston Street has a public storm drainage pipe with outfall and Jefferson Street has a public sanitary sewer main. A public utility easement will be retained to maintain access for maintenance.

The adopted Comprehensive Plan has the Thurston Street canal designated as Open Space. This is consistent with the open channels within Albany for creeks and the Albany-Santiam Canal. The open channel along Thurston Street terminates at 2nd Avenue when it goes into an inlet and goes under Thruston Street. The canal north of 2nd Avenue was covered prior to 1963 (aerial map) and the comprehensive plan adoption and has been used for access to these properties since at least 1948 (aerial map).

Conclusion: Vacating these right-of-ways are consistent with the Open Space along the open canal on Thruston in the Comprehensive Plan, Albany Transportation System Plan and Utility Master Plans.

(2) The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities or utilities.

Fact: A public access easement will be retained over Thurston Street to allow all adjacent parcels access to Water Avenue and pedestrian access to Dave Clark Path. All existing properties in the area will have access to an existing improved street. A public access easement will be retained over Jeferson to allow for interconnection between developable properties that cannot access Water Avenue from Jefferson Street. Public utility easements will be retained over the public utilities within Thurston Street and Jefferson Street.

Conclusion: All adjacent properties currently have access to public streets. That access will be maintained by retaining public access easements over the vacated right-of-ways. This will allow the city to still require a pedestrian connection from Thurston Street Canal Pedestrian Esplanade (P11) to the Dave Clark Path. Retaining utility easements will maintain the City’s ability to maintain public utilities.

(3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.

Fact: The right-of-ways proposed to be vacated will be replaced by public access easements. This will ensure existing businesses have emergency access.

Conclusion: There will be no negative effect on traffic circulation or emergency service protection due to vacating these right-of-ways.

(4) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.

Fact: The current Thurston Street right-of-way is unpaved, and the adjacent rail crossing was improved to ODOT standards with the Waterfront Project. The rail crossing will remain within the public right-of-way. Future development will be able to improve the access north of the rail crossing with future development without having to obtain an ODOT crossing order. The future improvements to Thurston Street would include a pedestrian connection to Dave Clark Path. Improvements would match Jackson Street that was vacated in 2008.

Jefferson Street right-of-way is unimproved and does not have a rail crossing to provide access to Water Avenue. ODOT rail removed this rail crossing with the last crossing order along Water Avenue.

Conclusion: The vacated Jefferson Street and Thurston Street right-of-way will be in compliance with the Development Code and improved as adjacent parcels redevelop.

(5) The public interest, present and future, will be best served by approval of the proposed vacation.

Fact: The vacated Thurston Street and Jefferson Street right-of-ways will be converted into a public access easement and utility easement. It is in the public's interest to have this right-of-way converted into a public access easement instead of a public road. Jefferson Street would not be able to be improved due to inability to obtain a rail crossing at this location. Thurston Street, as a public road, would need to be maintained by the city and additional right-of-way would need to be acquired for proper termination of a dead-end street. A cul-de-sac or hammerhead would be required to be constructed to allow for vehicle turnaround according to Albany Development Code. Other right-of-ways north of Water Avenue have also been vacated such as Railroad Street and Jackson Street. This vacation would be consistent with other vacations the city has approved.

Properties to which the vacated area will be transferred

The properties that the vacated area will revert to are Linn County Assessor Tax Lots 11S-03W-06DC- 00100, 06900, and 06901, 07001 and 07002.