



Community Development Department

333 Broadalbin Street SW, P.O. Box 490
Albany, OR 97321

Phone: 541-917-7550 Facsimile: 541-917-7598
www.cityofalbany.net

NOTICE OF PUBLIC HEARINGS

<u>HEARING BODY</u>	PLANNING COMMISSION	ALBANY CITY COUNCIL
<u>HEARING DATE</u>	Monday, November 16, 2009	Wednesday, December 9, 2009
<u>HEARING TIME</u>	5:15 p.m.	7:15 p.m.
<u>HEARING LOCATION</u>	Albany City Hall Council Chambers, 333 Broadalbin Street SW	

GENERAL INFORMATION

DATE OF NOTICE:	November 6, 2009
FILE:	CP-02-09
TYPE OF APPLICATION:	Amendments to the Albany Comprehensive Plan that will revise the text of Chapter 5: Transportation and adopt the Albany Transportation System Plan, dated October 2009, as a supporting document to the Comprehensive Plan.
REVIEW BODIES:	Planning Commission and City Council
APPLICANT:	City of Albany; PO Box 490; Albany, OR 97321
APPLICANT REP:	Jeni Richardson; City of Albany Public Works Department, Engineering Division; PO Box 490; Albany, OR 97321

City of Albany staff and consultants Kittelson & Associates have been working on an update to the city's Transportation System Plan (TSP). State law requires that the TSP and related Comprehensive Plan amendments be adopted by the City Council. Documents such as the TSP are adopted as supporting documents to the Comprehensive Plan for the city by amending the Comprehensive Plan.

The Planning Division has set meeting dates for public hearings before the Planning Commission and the City Council on adoption of the TSP and related Comprehensive Plan amendments. The Planning Commission makes a recommendation to the City Council. The City Council makes the final decision.

We are mailing this Notice of Public Hearing to the list of people and organizations who have expressed an interest in receiving notice of changes to the city's land use documents and (by email) to the list of people who have attended previous meetings about the TSP, or otherwise expressed interest.

We invite your comments, either in writing prior to the day of the public hearing or in person at the hearing. Comments will be taken into account when the Planning Commission makes a recommendation and when the City Council considers adoption of the TSP and related Comprehensive Plan amendments.

A copy of the TSP, all documents and evidence submitted related to the TSP, and applicable criteria, are available for inspection at no cost at the Albany Community Development Department, Planning Division. The staff report will be available at the Planning Division located in City Hall by 5:00 p.m. on November 9, 2009. A copy will be

available later that week on at the City's Web site at the following link: www.cityofalbany.net/staffreports. All of this information is available for inspection at no cost, and copies will be provided upon request at a reasonable cost. For more information about adoption of the TSP, please contact Planning Manager Don Donovan at 541-917-7561. Contact Jeni Richardson in the city's Engineering Division with technical questions about the TSP at 541-917-7637. Submit any written comments to the Planning Division; P.O. Box 490; Albany, OR 97321. Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

YOUR COMMENTS

All testimony and evidence must be directed toward the approval standards for a Comprehensive Plan amendment listed in this notice. Failure to raise an issue by letter or in person before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the Planning Commission and City Council an adequate opportunity to respond to each issue raised, may preclude an appeal based on that issue.

PUBLIC HEARING PROCEDURE

The public hearing will begin with a declaration of any *ex parte* contacts (contacts which occurred outside of the public hearing) or any conflict of interest by the decision-makers. This will be followed by the staff report from the Planning staff. Then, the city's Engineering staff will give a brief presentation, followed by testimony by other people in support of adoption of the TSP and related Comprehensive Plan amendments. After the people who are in favor are finished, testimony from opponents will be received. This will be followed by testimony from people who neither favor nor oppose adoption of the TSP and related Comprehensive Plan amendments. The city Planning and Engineering staff will then be given the opportunity for rebuttal. The decision makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for resumption of the hearing, and/or what limitations exist on further testimony or submittal of written materials. If the hearing and record are closed, the decision makers will begin deliberations and/or will announce the time, date, and place when the decision will be made.

APPROVAL STANDARDS FOR THIS REQUEST

The Albany Development Code (ADC) includes the following review criteria which must be met for the proposed Comprehensive Plan amendments to be approved:

COMPREHENSIVE PLAN AMENDMENT (ADC 2.220)

- (1) A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.
- (2) A legislative amendment is needed to meet changing conditions or new laws.

The location of the meeting/hearing is accessible to the disabled. If you need special accommodations to attend or participate, please notify the Human Resources Department in advance by calling 917-7500.

Distribution

Applicant Rep	1
Interested Parties (by Mail)	46
Interested Parties (by E-mail)	188
File CP-02-09	1
City Council	7
Post	2

AFFIDAVIT OF MAILING BY CITY OF ALBANY STAFF

STATE OF OREGON)
City of Albany) ss

I do hereby certify that on the 6th day of November, 2009, I placed in the outgoing City of Albany mail 46 separate envelopes (list attached) to be picked up by a representative of Mid-Valley Presort, the City's mail service contractor. The contractor shall deliver to the Salem Post Office these envelopes containing a letter notifying interested parties of proposed Comprehensive Plan amendments that would amend the text of Chapter 5 of the Comprehensive Plan and adopt a new Transportation System Plan (File CP-02-09).

A copy of the notice is attached hereto. Said envelopes were addressed to persons owning property in the notification area affected by said application, such names and addresses provided by the County Assessor's records. Any failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirement of the Albany Development Code for notice.

Employee Signature

**AFFIDAVIT OF MAILING BY REPRESENTATIVE OF
MID-VALLEY PRESORT
1215 WILBUR STREET SE
SALEM, OR 97302**

STATE OF OREGON)
City of Albany) ss

I do hereby certify that on the 6th day of November, 2009, I picked up from the outgoing City of Albany mail 46 separate envelopes and caused to be delivered to the Salem Post Office these envelopes containing a letter notifying affected property owners of the information as stated above by the City of Albany staff.

Representative of Mid-Valley Presort

U:\Community Development\Planning\Periodic Review\Goal12\09cp02nph.dd.dot

**NOTICE OF PUBLIC HEARING
MAILING LIST
File No. CP-02-09**

[List of Names]

K&D ENGINEERING
PO BOX 725
ALBANY OR 97321

MULTI/TECH ENGINEERING
1155 13TH ST SE
SALEM OR 97302

UDELL ENGINEERING
93 E ASH ST
LEBANON OR 97355

VERLE MOORE SURVEYING
424 2ND AVE SE
ALBANY OR 97321

DAVID LIVINGSTON
ENDEX ENGINEERING
2532 SANTIAM HWY SE
ALBANY OR 97322-5211

WRG DESIGN, INC
5415 WESTGATE DR 100
PORTLAND OR 97221

DAVID REECE
REECE & ASSOCIATES LLC
321 1st AVE E #3A
ALBANY OR 97321-2777

DAVID EVANS & ASSOC INC
2100 SW RIVER PKWY
PORTLAND OR 97201

LYLE HUTCHINS
DEVCO ENGINEERING
PO BOX 1211
CORVALLIS OR 97339

DON JOHNSON
DJ ARCHITECTURE
2318 HERITAGE WY SE
ALBANY OR 97322

JOHN STEWART
444 NW 9TH
CORVALLIS OR 97330

BILL RYALS
MOA ARCHITECTURE
460 SW MADISON AVE, SUITE 1
CORVALLIS OR 97333

WEATHERFORD, THOMPSON
PO BOX 667
ALBANY OR 97321

ROGER REID
PO BOX 665
ALBANY OR 97321

GEORGE HEILIG
310 NW 7TH
CORVALLIS OR 97330

KRIS GORSUCH
SAALFELD GRIGGS
PO BOX 470
SALEM OR 97308-0470

BILL KLOOS
PO BOX 11906
EUGENE OR 97440

BOB MARTIN
THE BOB MARTIN CO
PO BOX 1482
ALBANY OR 97321

LARRY EPPING
GRANADA LAND CO
2485 LANCASTER DR NE
SALEM OR 97305

SCOTT LEPMAN
100 FERRY ST NW
ALBANY OR 97321

CONSER HOMES
1010 AIRPORT RD SE
ALBANY OR 97322-5125

GLEN REA
644 SPYGLASS CT NW
ALBANY OR 97321

MATRIX DEVELOPMENT
12755 SW 69TH AVE
PORTLAND OR 97215

COLDWELL BANKER
VALLEY BROKERS
2225 PACIFIC BLVD SE 101
ALBANY OR 97322

LARRY O HEER PROPERTY MANAGEMENT
404 1ST AVE E
ALBANY OR 97321

HOMES BY OWNER
NORTHWEST REALTY CONSULTANTS
904 N ALBANY RD NW
ALBANY OR 97321

JOHN L SCOTT REAL ESTATE
2189 14TH AVE SE
ALBANY OR 97322

REMAX 2000
2910 SANTIAM HWY SE
ALBANY OR 97322

TOWN & COUNTRY REALTY
1117 PACIFIC BLVD SE
ALBANY OR 97322

WINES REALTY
2219 SANTIAM HWY SE
ALBANY OR 97322

PRUDENTIAL REAL ESTATE
1249 PACIFIC BLVD SE
ALBANY OR 97322

STEVE MICHAELS
PLANNING & BUILDING DIRECTOR
LINN COUNTY
PO BOX 100
ALBANY OR 97321

GREG VERRET
COMM DEV DIRECTOR
BENTON COUNTY
360 SW AVERY AVE
CORVALLIS OR 97333

WILLAMETTE VALLEY HOME BUILDING ASSOC
32054 OLD HWY 34
TANGENT OR 97389

BENTON COUNTY DEV DEPT
360 SW AVERY LN
CORVALLIS OR 97333

JANET STEELE
CHAMBER OF COMMERCE
PO BOX 548
ALBANY OR 97321

HASSO HERING
ALBANY DEMOCRAT-HERALD
PO BOX 130
ALBANY OR 97321

OSCAR HULT
ALBANY DOWNTOWN ASSOC
240 2ND AVE SW, SUITE 120
ALBANY OR 97321

JEFFREY TROSS
1720 LIBERTY SE
SALEM OR 97302

JOHN PASCONE
AMEDC
PO BOX 548
ALBANY OR 97321

OREGON LEAGUE OF CITIES
1201 COURT ST NE 200
SALEM OR 97301

LINN COUNTY LAW LIBRARY
ATTN PEGGY SCHULTZ
PO BOX 100
ALBANY OR 97321

CANDACE RIBERA
VISTA PLACE
545 VISTA AVENUE SE
SALEM OR 97302

BILL ROOT
NORTH ALBANY NEIGHBORHOOD ASSOCIATION
2634 NW VALLEY VIEW DRIVE
ALBANY OR 97321

DIRK OLSEN
NORTH ALBANY CITIZENS IN ACTION
1037 NW NORTH ALBANY ROAD
ALBANY OR 97321

MARK AZEVEDO & KATHY COOK
1210 NW SKYLINE DRIVE
ALBANY OR 97321