



## COMMUNITY DEVELOPMENT

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

# Notice of Public Hearing

## Comprehensive Map and Zoning Map Amendment Partition and Site Plan Review

CP-04-22, ZC-06-22, PA-09-22 & SP-23-22

December 30, 2022

### HEARING INFORMATION

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, January 23, 2023, at 5:15 p.m.**

Hearing Location: Municipal Court Room, Albany City Hall, 333 Broadalbin Street SW

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

Review Body: **City Council**

Hearing Date and Time: **Wednesday, February 22, 2023, at 6:00 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual: To comment/testify, see instructions on next page.

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

### APPLICATION INFORMATION

Files: CP-04-22, ZC-06-22, PA-09-22, and SP-23-22

Proposal: Partition application to divide a 4.85-acre parcel into two parcels, Parcel 1 at 3.30 acres and Parcel 2 at 1.55 acres. A Comprehensive Plan Map Amendment for proposed Parcel 2 to change from General Commercial (GC) to Medium Density Residential (MDR), with a concurrent zone change from Community Commercial (CC) to Residential Medium Density Attached (RMA); and a Site Plan Review to develop 42 apartments upon proposed Parcel 2.

Review Bodies: Planning Commission and City Council

Property Owners: Mega Investments; PO Box 1746; Albany, OR 97321

Lal Din Sidhu; 1038 Broadway St. NE, Salem, OR 97301

Applicant Representative: Laura LaRoque; Udell Engineering and Land Surveying LLC  
63 E. Ash Street; Lebanon, OR 97355

Address/Location: 2000 Queen Avenue SE.

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-08CD; Tax Lot 211

Comprehensive Plan Map: General Commercial (GC)

Zoning: Community Commercial (CC)

Total Land Area: 4.85 acres

[cd.cityofalbany.net](http://cd.cityofalbany.net)



The Albany Planning Division has received a request for a public hearing for the application referenced above and has scheduled a public hearing before the Planning Commission and City Council. We are mailing notice of this public hearing to property owners within 300 feet of the subject site.

A copy of the application, all documents, and evidence submitted by or on behalf of the applicant, and applicable criteria are available for inspection at the Albany Community Development Department, Planning Division. Copies can be provided by mail upon request at a reasonable cost or electronically at no charge. The staff report will be available by 5:00 p.m. on Friday, January 13, 2023, and on the City's website at:

<https://www.cityofalbany.net/cd/projectreview>

Should you wish to discuss this case with a planner, please contact Jennifer Cepello, project planner, at [jennifer.cepello@cityofalbany.net](mailto:jennifer.cepello@cityofalbany.net) or 541-917-7561. Submit any written comments to the Planning Division; PO 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 (HOW TO TESTIFY):

We invite your comments, either in writing prior to the day of the public hearing or at the hearing. Your comments will be considered when the Planning Commission and City Council make a decision on this application. All testimony and evidence must be directed toward the approval standards for this application 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, precludes an appeal based on that issue.

Persons wanting to provide testimony for either the Planning Commission or City Council public hearings may choose one of the following options:

1. Email written comments to [jennifer.cepello@cityofalbany.net](mailto:jennifer.cepello@cityofalbany.net) **before noon the day of the applicable meeting** and include your name and subject of the public hearing, or mail comments to Albany Planning Division; PO Box 490, Albany, OR 97321; or
2. To testify virtually during the public hearing, register before **noon on the day of the applicable meeting** by emailing [cdaa@cityofalbany.net](mailto:cdaa@cityofalbany.net), with your name, address, phone number, and if you are speaking for, against, or neutral on the proposal. The chair/mayor will call upon those who registered.
3. Appear in person at the meeting and register to speak using the sign-up sheet.

**Written comments will be included with respective meeting agenda packets if received by Jennifer Cepello at [jennifer.cepello@cityofalbany.net](mailto:jennifer.cepello@cityofalbany.net) on or before the following date:**

- 1) **February 7, 2023, for the February 22, 2023, City Council meeting date.**

Any person who submits written comments or testifies at a public hearing will receive a copy of the Notice of Decision.

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 541-917-7550, or email [cdaa@cityofalbany.net](mailto:cdaa@cityofalbany.net).

## PUBLIC HEARING PROCEDURE

The public hearings will occur on Monday, January 23, 2023, at 5:15 p.m., and Wednesday, February 22, 2023, at 6:00 p.m. The respective hearing body will open the public hearing. The public hearing will begin with a declaration of any *ex parte* contacts (contacts that 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 applicant will testify. Following this, written comments received from the public will then be entered into the record. This will be followed by calling upon those who registered to speak in support of the application. After those in favor of the application are finished, testimony from those who registered to speak in opposition will begin. This will be followed by testimony from people who neither favor nor oppose the application. Following this, a calling upon anyone else who wishes to testify either in support, in opposition, or neutral will be made. The applicant will then be able to respond to the public comments. The decision-makers are free to ask questions of any person who has testified, or of staff, at any point during the hearing. Once all comments are recorded as part of the meeting and the applicant responds, the hearing body will close the public hearing and deliberate on the application.

If additional documents or evidence are provided by any party, the City may allow a continuance, or leave the record open, to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the 120-day time limitations of Oregon Revised Statute (ORS) 227.178.

If the hearing is continued or the record is left open, the chairperson will announce the date, time, and place for the 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.

## APPEALS

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 1.420(5)].

## APPROVAL CRITERIA FOR APPLICATIONS

The Albany Development Code (ADC) contains the following review criteria that must be met for approving the application as described. The proposed quasi-judicial map amendment to the Zoning Land Use Map is subject to criteria as described below:

### *Quasi-Judicial Comprehensive Plan Map Amendment (ADC 2.220)*

(3) The requested designation for a quasi-judicial map amendment meets all of the following tests:

- (a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.
- (b) The requested designation is consistent with any relevant area plans adopted by the City Council.
- (c) The requested designation is consistent with the Comprehensive Plan Map pattern.
- (d) The requested designation is consistent with the Statewide Planning Goals.

### *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:

- (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.
- (2) Existing or anticipated transportation facilities are adequate for uses permitted under the proposed zone designation.
- (3) Existing or anticipated services (water, sanitary sewers, storm sewers, schools, police and fire protection) can accommodate potential development in the subject area without adverse impact on the affected service area.
- (4) The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.
- (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.

The following staff-identified Comprehensive Plan goals and policies are relevant to the Zoning Map amendment.

#### Statewide Planning Goal 10: Housing (Chapter 4)

Proved a variety of development and program opportunities that meet the housing needs of all Albany's citizens.

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

### *Partition (ADC 11.180)*

Partitions will be approved if the Council finds the applicant has shown that all of the following criteria are met:

- (1) The proposal meets the development standards of the underlying zoning district, and applicable lot and block standards of this Article.
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.

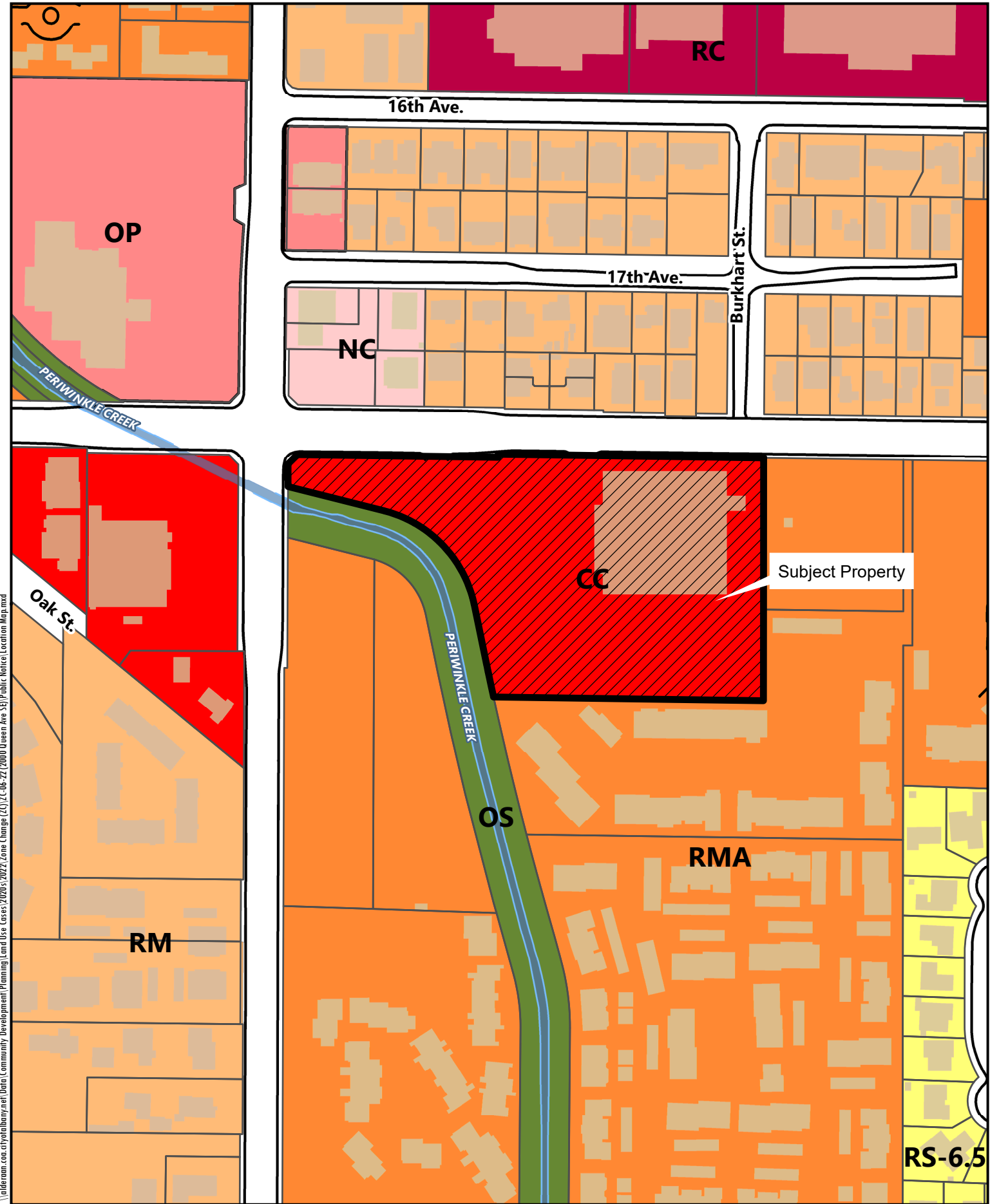
- (4) The Public Works Director has determined that transportation improvements are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (5) The Public Works Director has determined that public facilities and utilities are available to serve the proposed subdivision or partition in accordance with Article 12 or will be made available at the time of development.
- (6) Activities and developments within special purpose districts must comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.

#### *Site Plan Review (ADC 2.450)*

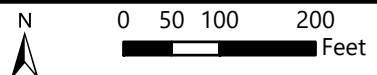
A Site Plan Review will be approved if the Council finds the applicant has shown that all of the following criteria are met:

- (1) The application is complete in accordance with the applicable requirements.
- (2) The application complies with all applicable provisions of the underlying zoning district including, but not limited to, setbacks, lot dimensions, density, lot coverage, building height, and other applicable standards.
- (3) Activities and developments within special purpose districts comply with the regulations described in Articles 4 (Airport Approach), 6 (Natural Resources), and 7 (Historic), as applicable.
- (4) The application complies with all applicable Design Standards of Article 8.
- (5) The application complies with all applicable Design Standards of Article 10.
- (6) The application complies with all applicable On-Site Development and Environmental Standards of Article 9.
- (7) The Public Works Director has determined that public facilities and utilities are available to serve the proposed development in accordance with Article 12 or will be made available at the time of development.
- (8) The Public Works Director has determined that transportation improvements are available to serve the proposed development in accordance with Article 12 or will be available at the time of development.
- (9) The proposed post-construction stormwater quality facilities (private and/or public) can accommodate the proposed development, consistent with Title 12 of the Albany Municipal Code.
- (10) The proposal meets all existing conditions of approval for the site or use, as required by prior land use decision(s), as applicable.
- (11) Sites that have lost their nonconforming status must be brought into compliance and may be brought into compliance incrementally in accordance with Section 2.370.

Attachments: Location Map, Tentative Partition, Site Plan



(\\elderan.co.cityofalbany.net) Data (Community Development\Planning\Land Use Cases\2020's\2021\Zone Change (ZC)\ZC-06-22 (2000 Queen Ave SE)\Public Notices\Location Map.mxd



**2000 Queen Avenue SE**

Date: 11/4/2022 Map Source: City of Albany

Location Map



CLIENT:  
MEGAINVESTMENTS, LLC  
63 EAST ASH ST.  
ALBANY, OR 97322  
ATHWALL1@YAHOO.COM  
(541) 979-1724  
(541) 451-5125 PH.  
(541) 451-1366 FAX

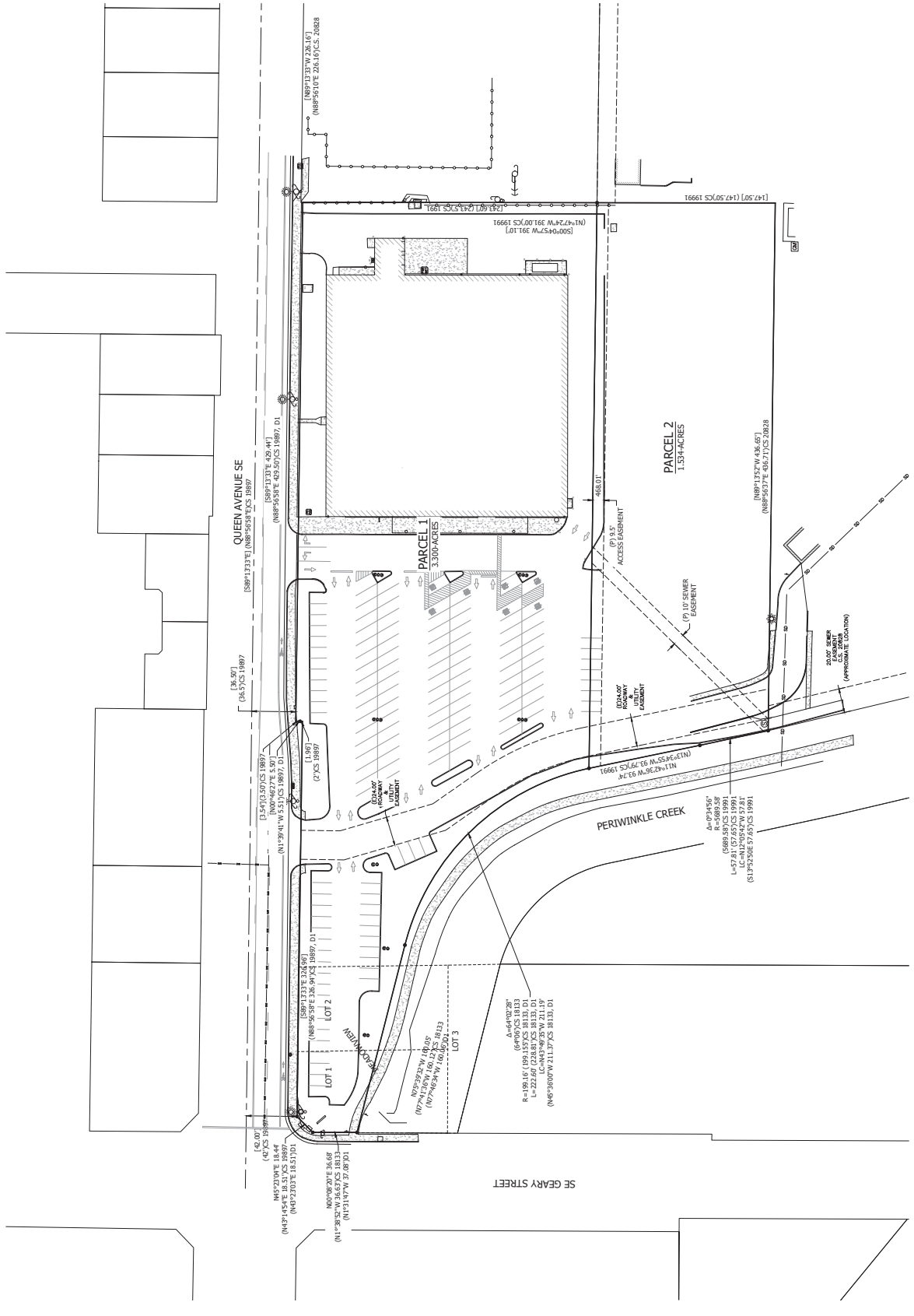
UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

TENTATIVE REPLAT  
2000 QUEEN AVENUE SE  
ALBANY, OR 97322

DATE: SEPTEMBER 27, 2022  
PROJECT: 21.361 ALTHAM, QUEEN PH  
DRAWN BY:  
CHECKED BY:

THIS MAP WAS  
PREPARED FOR  
PLANNING  
PURPOSES ONLY

Sheet  
C101  
SCALE: SEE BARSCALE





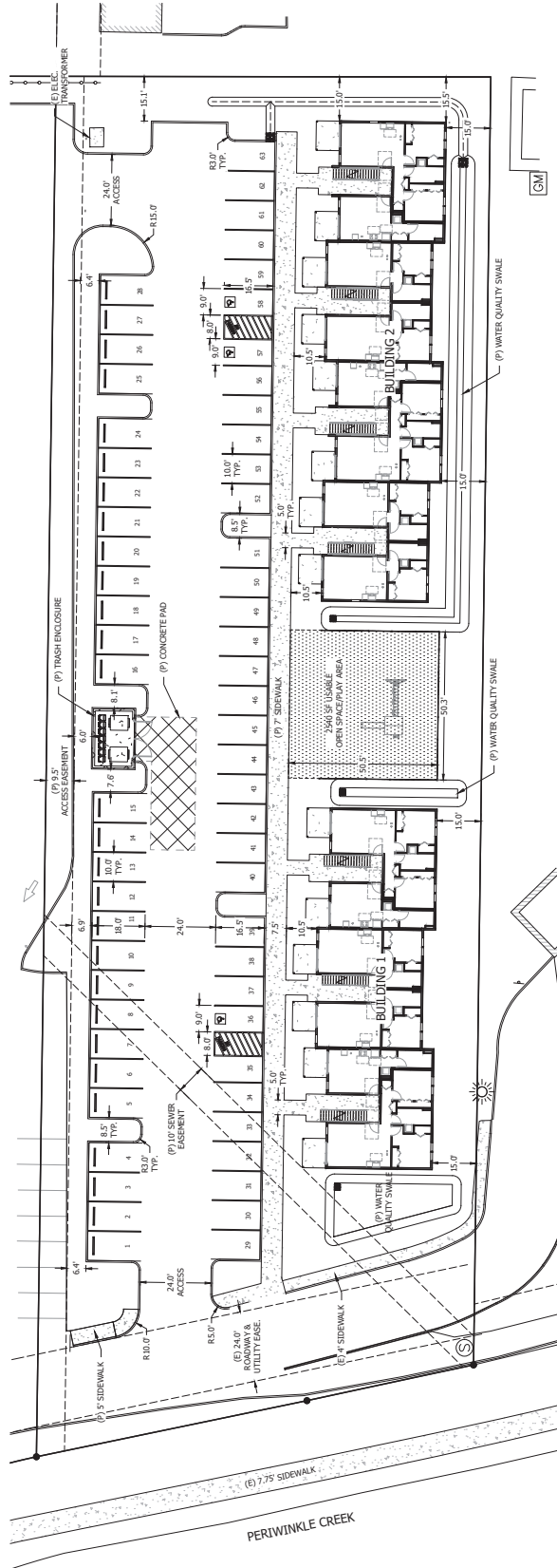
MEGAINVESTMENTS, LLC  
 6732 SEVEN MILE LANE SE  
 ALBANY, OR 97322  
 (541) 979-1724  
 ATWAL1@YAHOO.COM

CLIENT:  
 UDELL ENGINEERING  
 AND  
 LAND SURVEYING, LLC

(541) 451-5125 PH  
 (541) 451-1366 FAX  
 LEBANON, OREGON 97355  
 63 EAST ASH ST.

PRELIMINARY CIVIL SITE PLAN  
 2000 QUEEN AVENUE SE  
 ALBANY, OR 97322

DATE: SEPTEMBER 27, 2020  
 PROJECT: 21361 ALBANY, QUEEN PH  
 DRAWN BY:  
 CHECKED BY:  
 APPR:



BUILDING NUMBER	STUDIO # UNITS	1 BEDROOM # UNITS	2 BEDROOM # UNITS
1	6	6	6
2	6	6	6
TOTALS	12	12	12
TOTAL UNITS			42

UNIT TYPE	# UNITS	REQUIRED SPACES/UNIT	SPACES REQUIRED
STUDIO	12	1.25	15.0
1 BEDROOM	18	1.25	22.5
2 BEDROOM	12	1.75	21.0
TOTAL REQUIRED			58.5
TOTAL PROVIDED			63

# UNITS	REQUIRED SPACES/UNIT	SPACES REQUIRED
42	0.25	10.5
TOTAL PROVIDED*		12

\* 2 PROVIDED WITHIN EACH BUILDING STAIRWELL

THIS MAP WAS  
 PREPARED FOR  
 PLANNING  
 PURPOSES ONLY

Sheet  
**C102**

SCALE: SEE BARSCALE