



COMMUNITY DEVELOPMENT

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

Notice of Public Hearing

Conditional Use Review, Site Plan Review for Tree Felling Variance and Tentative Replat Review

CU-03-19, RL-01-20, SP-09-20 & VR-01-20

July 9, 2020

HEARING INFORMATION

Review Body: Hearings Board (Type III)

Hearing Date: **Thursday, July 30, 2020**

Hearing Time: **4:00 p.m.**

Hearing Location: Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.

At 4:00 p.m., join the meeting from your computer, tablet, or smartphone by entering the link below:

<https://global.gotomeeting.com/join/766287781>

You can use your microphone or dial in using your phone:

Phone: 571-317-3122

Access Code: 766-287-781

APPLICATION INFORMATION

Proposal: Conditional Use Review to expand the existing PacifiCorp substation facility (CU-03-19); Tentative Replat Review to combine six lots into one lot (RL-01-20); Site Plan Review for Tree Felling (SP-09-20); and Variance applications for 1) installing an eight-foot tall fence within the front yard setback, 2) including barbed wire on top of the fence in a residential zone, and 3) not including landscaping around the perimeter setbacks (VR-01-20).

Property Owner / Applicant: Pacific Power and Light
Attention: John Aniello, Project Manager
825 NE Multnomah Boulevard
Portland, OR 97232

Applicant's Attorney: Garrett Stephenson
Schwabe Williamson & Wyatt
1211 SW 5th
Portland, OR 97204

cd.cityofalbany.net



Address/Location: 1920, 1930, 1940, and 1950 17th Avenue SW and 1917 Queen Avenue SW
Map/Tax Lot: Linn Tax Assessor's Map No. 11S-04W-13BA Tax Lot 400 and 11S-04W-12CB Tax Lot 7500, 7401, 7400 & 7300
Zoning: R-6.5 (Single Family Residential) District

The Planning Division has received the application referenced above and has scheduled a public hearing before the Hearings Board. 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 by appointment only 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 Thursday, July 23, 2020, and on the City's web site at:

<http://www.cityofalbany.net/departments/community-development/planning/all-projects>.

Should you wish to discuss this case with a planner, please contact Project Planner Melissa Anderson at melissa.anderson@cityofalbany.net or 541-704-2319, or Planning Manager David Martineau at 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

We invite your comments, either in writing prior to the day of the public hearing or virtually at the hearing. Your comments will be considered when the Hearings Board makes 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 Hearings Board an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

VIRTUAL PUBLIC HEARING PROCEDURE

Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, this meeting is accessible to the public via phone and video connection.

Written comments will be received by City staff until 5:00 p.m. on Wednesday, July 29, 2020. To appear virtually during a public hearing, register by emailing CDAA@cityofalbany.net before 3:00 p.m. on the day of the meeting with your name and if you are speaking for, against, or neutral on the project. During public testimony, the chair will call upon those who have registered to speak first, followed by any others.

The public hearing will occur on Thursday, July 30, 2020, at 4:00 p.m., and the Hearings Board 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 Hearings Board 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.

If you have a disability that requires accommodation, please notify the Human Resources Department in advance by calling 541-917-7500.

APPEALS

Within five days of the Hearings Board'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.

A decision of the Hearings Board may be appealed to the City Council if a person with standing files a Notice of Appeal and associated filing fee with the City within 10 days of the date the City mails the notice of decision.

APPROVAL STANDARDS FOR THIS APPLICATION

Conditional Use (ADC 2.250)

- (1) The proposed use is consistent with the intended character of the base zone and the operating characteristics of the neighborhood.
- (2) The proposed use will be compatible with existing or anticipated uses in terms of size, building scale and style, intensity, setbacks, and landscaping or the proposal mitigates difference in appearance or scale through such means as setbacks, screening, landscaping, or other design features.
- (3) The transportation system can support the proposed use in addition to the existing uses in the area. Evaluation factors include street capacity and level of service, on-street parking impacts, access requirements, neighborhood impacts, and pedestrian safety.
- (4) Public services for water, sanitary and storm sewer, water management, and for fire and police protection are capable of servicing the proposed use.
- (5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to: (a) Noise, glare, odor, litter, or hours of operation or (b) Privacy and safety issues.
- (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.

Tentative Plat Review (Section 11.180).

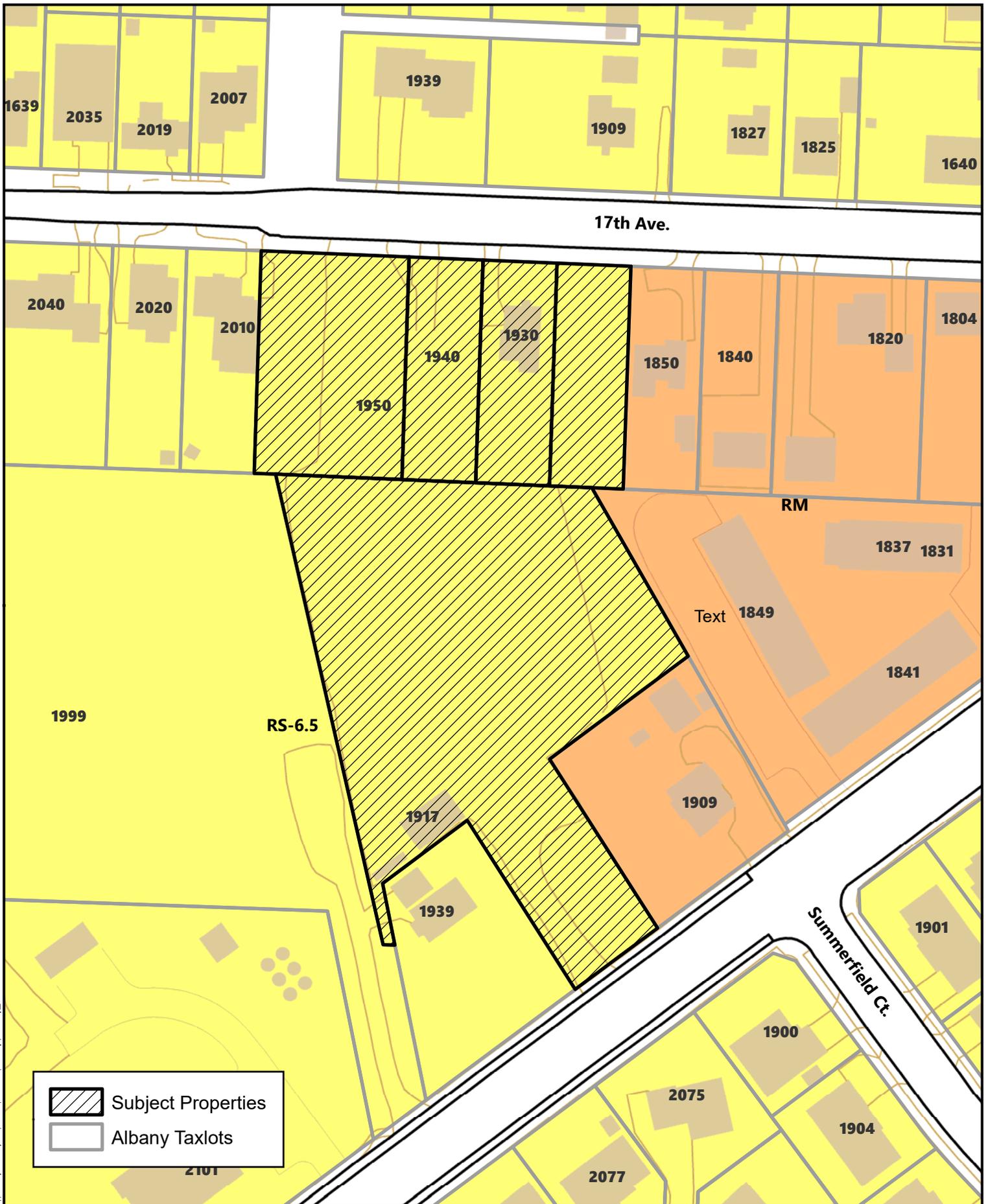
- (1) The proposal meets the development standards of the underlying zoning district and applicable lot and block standards of this Section.
- (2) Development of any remainder of property under the same ownership can be accomplished in accordance with this Code.
- (3) Adjoining land can be developed or is provided access that will allow its development in accordance with this Code.
- (4) The proposed street plan affords the best economic, safe, and efficient circulation of traffic possible under the circumstances.
- (5) The location and design allow development to be conveniently served by various public utilities.
- (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.

Variance Review Criteria (ADC 2.690)

- (1) The property has unique or peculiar physical circumstances or conditions such as, irregular shape, width or depth; or exceptional natural or physical conditions such as topography, trees, native vegetation, wetlands, riparian areas, wildlife habitat, or drainage ways.
- (2) The proposal will be consistent with the purpose, overview, and description for the zone in which the property is located, and with the purpose of the Significant Natural Resource Districts, if applicable; and
- (3) If more than one variance is requested, the cumulative effect of the variances results in a project that is still consistent with the purpose, overview and description of the zone; and
- (4) The requested variance is the minimum necessary to address the peculiar or unusual conditions of the site; and
- (5) Any impacts resulting from the variance are mitigated to the extent practical; or
- (6) Application of the regulation in question would preclude all reasonable economic use of the site.

Additional review standards for this application are found in ADC Articles 1, 2, 3, 9, 11 & 12.

Attachments: Location Map, Site Plan, and Tentative Plat Map



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012.5 50
Feet

1950 17th Avenue SW Properties

Date: 12/6/2019 Map Source: City of Albany

Site Area Vicinity Map

