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

Notice of Public Hearing

Automotiv LLC
Conditional Use Permit

CU-03-22 September 12, 2022

HEARING INFORMATION

Review Body:	**Hearings Board (Type III)**
Hearing Date:	**Thursday, October 6, 2022**
Hearing Time:	**4:00 p.m.**
Hearing Location:	Council Chambers, Albany City Hall, 333 Broadalbin Street SW
	Virtual: At 4:00 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

APPLICATION INFORMATION

Proposal:	Conditional Use Review for a used car dealership and autobody work within an existing structure.
Review Body:	Hearings Board
Property Owner:	PIR Three Lakes Road, LLC, 975 SE Sandy Blvd #200, Portland, OR 97214
Applicant:	Daniel Capriles, 1329 NW 23rd Street, Corvallis, OR 97330
Address/Location:	2224 Three Lakes Road SE, Unit 102, Albany, OR 97322
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-16-00715
Comprehensive Plan Map:	Light Industrial
Zoning:	LI (Light Industrial)
Total Land Area:	0.98 acres

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 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 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, September 26, 2022, and on the City's website at:

www.cityofalbany.net/cdprojects

Should you wish to discuss this case with a planner, please contact Jennifer Cepello, project planner, at 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 Hearings Board 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 Hearings Board an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

Persons wanting to provide testimony for the Hearings Board public hearing may choose one of the following options:

1. Email written comments to jennifer.cepello@cityofalbany.net **before noon the day of the 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 meeting** by emailing cdaa@cityofalbany.net, with your name, address, phone number, and if you are speaking for, against, or neutral on the proposal. The chair 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 packet if received by Jennifer Cepello at jennifer.cepello@cityofalbany.net **on or before the following date:**

1) September 27, 2022, for the October 6, 2022, hearings board meeting.

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.

PUBLIC HEARING PROCEDURE

The public hearing will occur on Thursday, October 6, 2022, at 4:00 p.m. The 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 hearing 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 hearing 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 Uses

Section 2.250 of the Albany Development Code (ADC) includes the following review criteria that must be met for this application to be approved.

(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, can serve the proposed use.

(5) The proposal will not have significant adverse impacts on the livability of nearby residentially zoned lands due to:

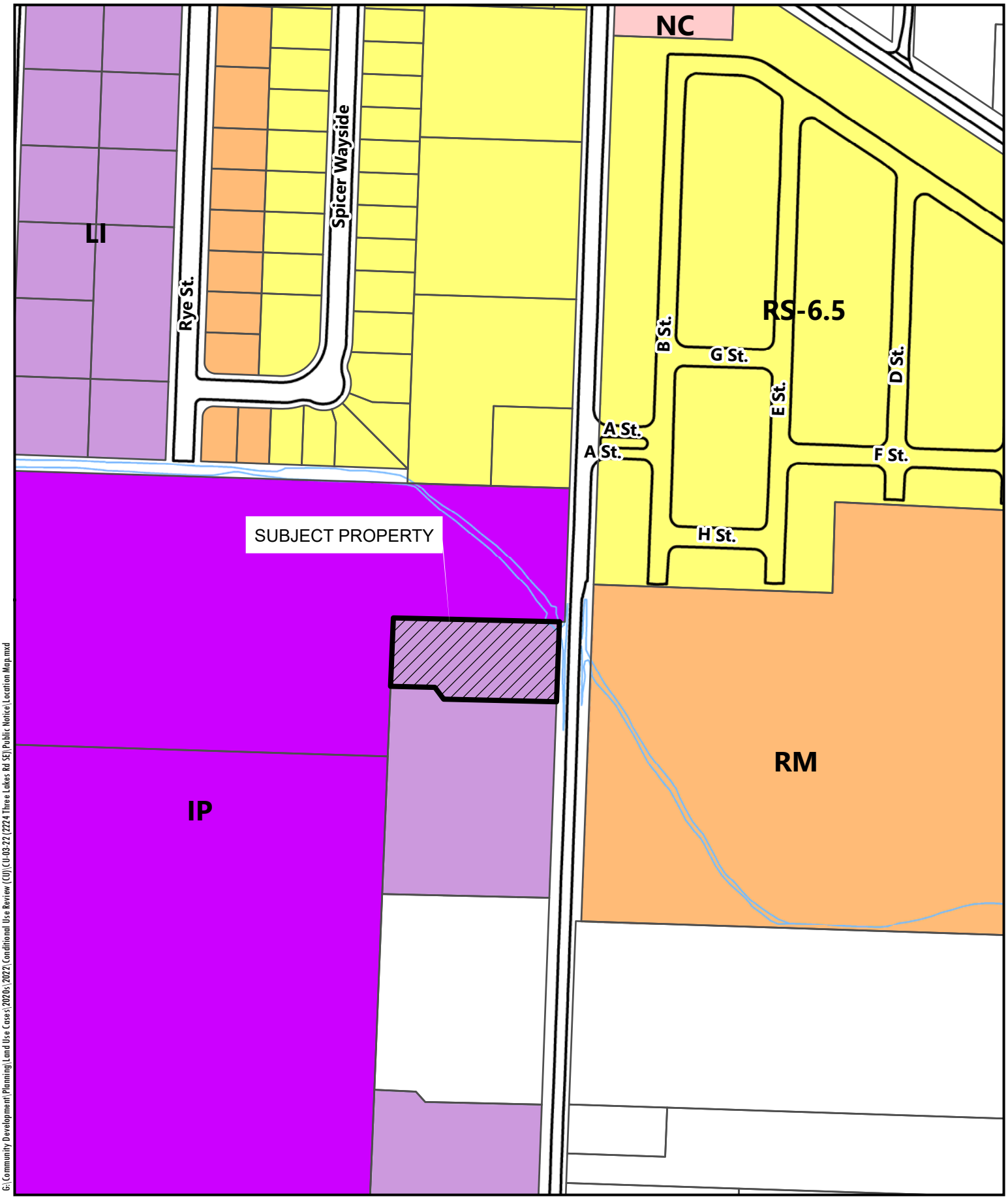
   (a) Noise, glare, odor, litter, or hours of operation.

   (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.

Additional review standards for this application are found in ADC Articles 1, 2, 4, 8, 9, 12, 13, and 22.

Attachments: Location Map and Site Plan



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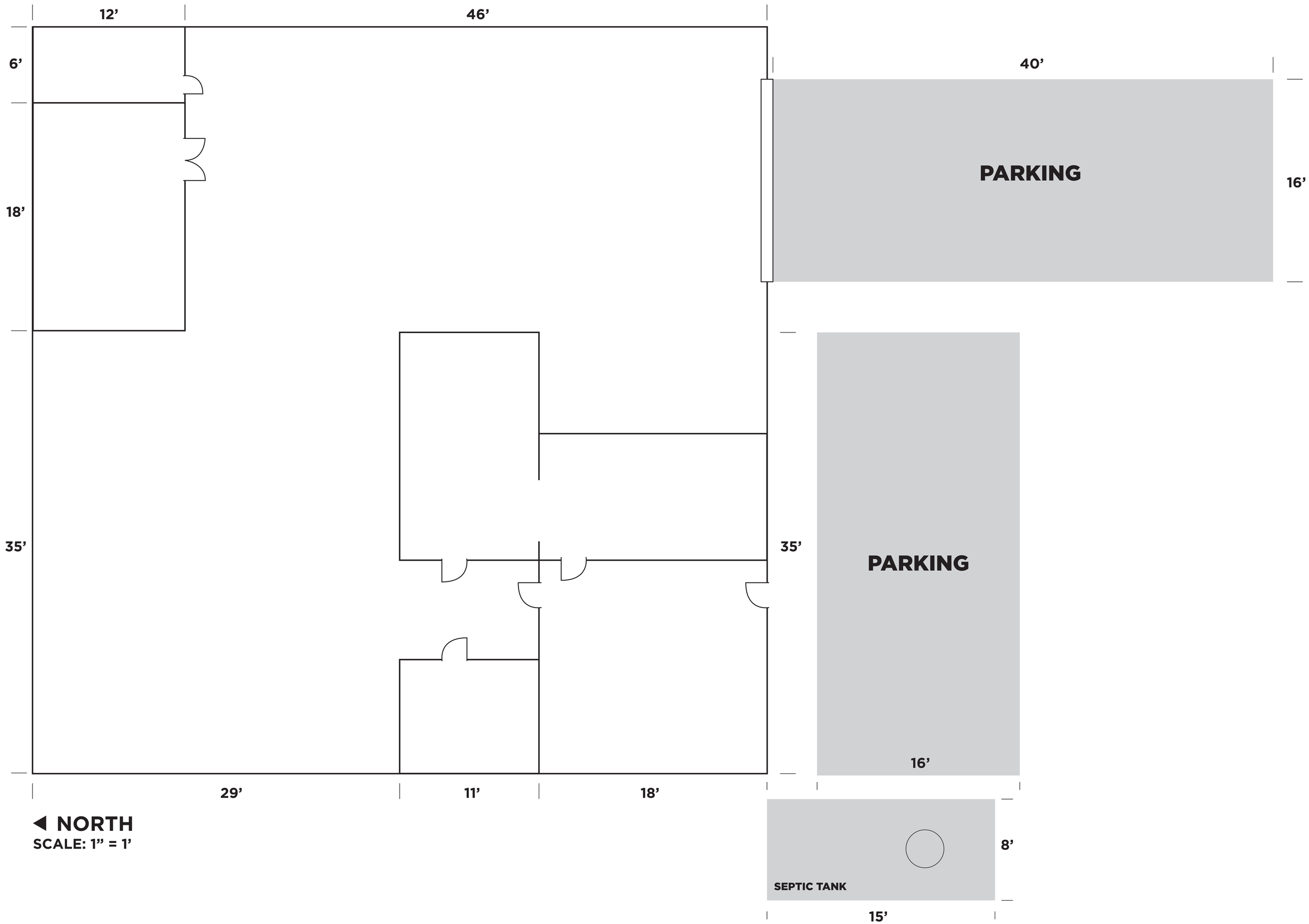
0 50 100 200 Feet

2224 THREE LAKES ROAD SE

Date: 9/6/2022 Map Source: City of Albany

Location Map

G:\Community Development\Planning\Land Use Cases\2020s\2022\Conditional Use Review (CU)\CU-03-22 (2224 Three Lakes Rd SE)\Public Notice\Location Map.mxd

AUTOMOTIV | 2224 THREE LAKES RD SE, UNIT 102

All structures were pre-existing prior to new tenant occupation.