



COMMUNITY DEVELOPMENT

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

Notice of Appeal Public Hearing

Historic Review of Substitute Materials

This appeal hearing is postponed until October 13, 2021. Due to an error in the mailed notice, the hearing is postponed allowing all those who testified on this application to receive written notice 10 days prior to the appeal hearing.

HI-12-21

September 21, 2021

HEARING INFORMATION

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| Review Body: | City Council |
| Hearing Date: | Wednesday, October 13, 2021 |
| Hearing Time: | 6:00 p.m. |
| Hearing Location: | This hearing will be conducted virtually. |

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

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

Application Information

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| Type of Application: | Appeal of the landmarks commission decision concerning HI-12-21, to replace windows on a historic contributing school/church building. The applicant proposes substitute materials (PVC vinyl for wood) for the replacement of 34 window sashes. No trim or siding is proposed to be replaced or substituted. |
| Review Body: | City Council (Type III review) |
| Property Owner/Applicant: | Baptist Church of Albany/Willamette Community Church, Scott Miller 420 Third Ave SE, Albany, OR 97321 |
| Address/Location: | 420 Third Ave SE, Albany, OR 97321 |
| Map/Tax Lot: | Linn County Assessor's Map No. 11S-03W-06CD; Tax Lot 9300 |
| Zoning & Historic District: | Hackleman Monteith (HM) Zoning District; Hackleman National Register Historic Overlay District |

The Albany Landmarks Commission reviewed the subject proposal during a duly advertised public hearing on September 1, 2021, and voted to deny the application. On September 9, 2021, the City received a notice of appeal and the requisite fee from the applicant (now appellant). As described in ADC 1.420 (Notice of Appeal Hearing), we are mailing this notice to the property owner, applicant, and any person who provided testimony at the September 1, 2021, hearing.

cd.cityofalbany.net



Denovo Hearing. The appellant will introduce additional evidence to the record, specific to structural components of the proposed Andersen windows, offering further explanation about the difficulty in matching all window dimensions and mechanisms of the existing wood window sashing. Accordingly, a de novo hearing (of new to the record) is requested to allow consideration of additional information that the landmarks commission did not consider during the hearing of September 1, 2021.

A copy of the application, all documents, and evidence submitted by or on behalf of the appellant, 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 for the hearing is available on the City's website at: www.cityofalbany.net/cdprojects

Should you wish to discuss this case with a planner, please contact Nikki Cross, project planner, at Nikki.Cross@cityofalbany.net or 541-791-0176. 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

Your comments will be considered when the city council makes a decision on this application. All testimony and evidence must be directed toward the approval standards for the applications listed in this notice. Failure to raise an issue by letter or verbally before the close of the record or the final evidentiary hearing, or failure to provide statements or evidence with sufficient detail to allow the city council an adequate opportunity to respond to each issue raised precludes an appeal based on that issue.

VIRTUAL PUBLIC HEARING PROCEDURE

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

1. Email written comments to nikki.cross@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 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 mayor will call upon those who registered.

The virtual public hearing will occur on **Wednesday, October 13, 2021, at 6:00 p.m.**, where the city council will begin the hearing by declaring any bias, *ex parte* contacts (contacts that occurred outside of the public hearing) or any conflicts of interest. This will be followed by the staff report from the planning staff. Then the appellant 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. The appellant will then be provided an 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. Once all comments are recorded as part of the meeting, the city council 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 the appellant 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 mayor 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.

Due to the COVID-19 pandemic, the Albany City Council meeting will be conducted virtually. 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.

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.

A decision of the city council may be appealed by persons with standing to the Land Use Board of Appeals (LUBA) by filing a notice of intent to appeal to LUBA not later than 21 days after the decision becomes final.

Approval Standards for This Request

Eligibility for the use of Substitute Materials (ADC 7.200)

The City of Albany interprets the Secretary of Interior's Standards for Rehabilitation on compatibility to allow substitute siding and windows only under the following conditions:

- (1) The building or structure is rated historic non-contributing, OR, in the case of historic contributing buildings or structures, the existing siding, windows or trim is so deteriorated or damaged that it cannot be repaired and finding materials that would match the original siding, windows or trim is cost prohibitive.

Any application for the use of substitute siding, windows and/or trim will be decided on a case-by-case basis. The prior existence of substitute siding and/or trim on the historic buildings on the Local Historic Inventory will not be considered a factor in determining any application for further use of said materials.

Guidelines for application of using substitute materials are described in ADC 7.210.