



COMMUNITY DEVELOPMENT

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

Notice of Decision

File: ZC-01-20

August 14, 2020

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|-----------------------------|---|
| DATE OF NOTICE: | August 13, 2020 |
| FILE: | ZC-01-20 |
| TYPE OF APPLICATION: | Zoning Map Amendment from the NC (Neighborhood Commercial) zoning district to the OP (Office Professional) zoning district. |
| REVIEW BODY: | Planning Commission and City Council (Type IV, Quasi-Judicial Process) |
| PROPERTY OWNER/APPLICANT: | Five Point Five, LLC; Mike Spencer 1347 Spencer Mountain Drive NW, Albany, OR 97321 |
| APPLICANT'S REPRESENTATIVE: | Dan Watson, K & D Engineering, Inc. P.O. Box 725, Albany, OR 97321 |
| ADDRESS/LOCATION: | Unaddressed parcel |
| ASSESSOR MAP & TAX LOT: | Linn County Assessor's Map No. 11S-03W-30; Tax Lot 400 |

On August 12, 2020, the Albany City Council adopted Ordinance No. [5944](#) to amend the zoning map as described above.

A copy of Ordinance No. [5944](#) is available on request. The supporting documentation relied upon by the City in making this decision is available for review by appointment only at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Planning Manager David Martineau at 541-917-7561.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830, a Notice of Intent to Appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after Notice of Decision is mailed or otherwise submitted to parties entitled to notice.

Signature on File

City of Albany Mayor

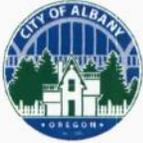
Attachment:
Ordinance No. [5944](#) with Associated Exhibit

Mail Date: August 14, 2020

Appeal Period Expiration: September 4, 2020

cd.cityofalbany.net





ORDINANCE NO 5944

AN ORDINANCE AMENDING ORDINANCE NO 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP, BY AMENDING THE ALBANY ZONING MAP AND ADOPTING FINDINGS FOR THE PROPERTY LOCATED AT LINN COUNTY ASSESSOR'S MAP NO 11S-03W-30 TAX LOT 400

WHEREAS, on February 20, 2020, the Albany Community Development Department received an application for a zoning map amendment for an unaddressed property identified as Linn County Assessor's Map No 11S-03W-30 Tax Lot 400 (Planning File ZC-01-20), and

WHEREAS, a zoning district map and legal description for the subject property are provided in ordinance Exhibits A and B, respectively; and

WHEREAS, the application is to amend the zoning map from Neighborhood Commercial (NC) to Office Professional (OP) for the same property, and

WHEREAS, the proposed zoning map amendment is discussed in detail in the July 20, 2020, staff report, and

WHEREAS, on July 27, 2020, the Albany Planning Commission held a public hearing, considered public testimony, deliberated on the proposed map amendment, and recommended approval of the proposal based on evidence presented in the staff report and during the public hearing, and

WHEREAS, on August 12, 2020, the Albany City Council held a public hearing on the proposal, reviewed the findings of fact and testimony presented at the public hearing, and then deliberated

NOW, THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS

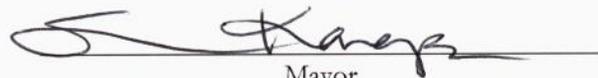
Section 1 The findings of fact and conclusions included in the staff report are hereby adopted in support of the decision

Section 2 The zoning district map is hereby amended from Neighborhood Commercial (NC) to Office Professional (OP) on the property located in the City of Albany, Linn County, Oregon, as shown in Exhibit A and described in Exhibit B of this ordinance

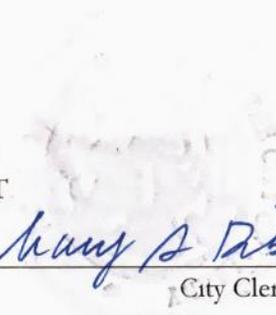
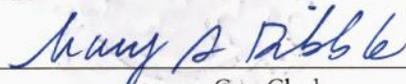
Section 3 A copy of this ordinance shall be filed in the Office of the City Clerk of the City of Albany and these changes shall be made on the official City of Albany zoning map

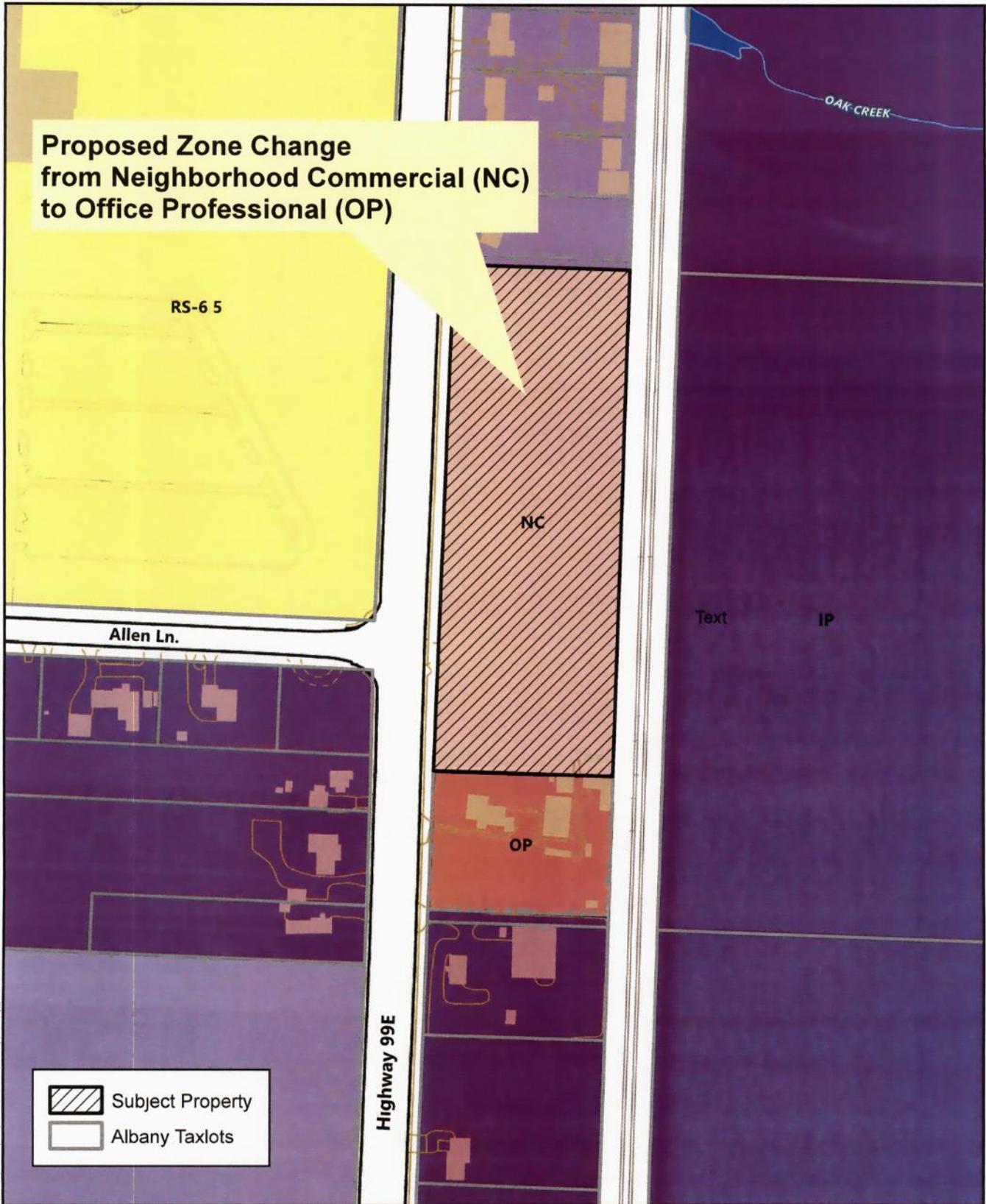
Section 4 A copy of this ordinance shall be filed with the Linn County Assessor's Office within 90 days of the effective date of this ordinance

Passed by the Council 8/12/2020
Approved by the Mayor. 8/12/2020
Effective Date 9/11/2020


Mayor

ATTEST



City Clerk



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N 02550
2550 Feet

Linn Co. Assessor Map No. 11S-03W-3000 Tax Lot 400

Date 2/26/2020 Map Source City of Albany

City of Albany

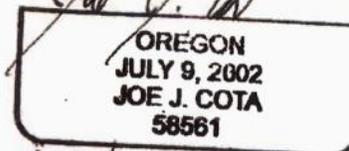
K & D ENGINEERING, Inc.*Engineers • Planners • Surveyors*Legal Description

Zone Change

Tax Lot 400 of Linn County Assessor Map 11S03W30

All of that property conveyed to Fivepointfive, LLC by Warranty Deed recorded in Document Number 2010-09583 in the Linn County, Oregon Deed Records on June 11, 2010, said property being located in the East 1/2 (half) of Section 30, Township 11 South, Range 3 West, Willamette Meridian, Linn County, Oregon and is more particularly described as follows:

Beginning at a 1/2 inch rod at the southwest corner of said Fivepointfive, LLC property, said rod being on the east right-of-way line of Pacific Highway and is 38 66 feet East and 287 18 feet South of the West 1/4 (quarter) Corner of said Section 30, thence North 00°31'30" East, along said east right-of-way line, 818.48 feet, thence EAST 284.65 feet to a point on the west right-of-way line of the Southern Pacific Railroad; thence South 00°07'00" West, along said west right-of-way line, 818 48 feet to a 1/2 inch rod; thence WEST 290 72 feet to the Point of Beginning.



RENEWS: 12/31/19

August 27, 2019
 ZONE CHANGE DESCRIPTION
 (18-63) JJC:ls

File Ref: z:/projects/2018/18-63/surveying/documents/Legal Description.doc