



## COMMUNITY DEVELOPMENT

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

# Notice of Public Hearings

ZC-01-20

July 7, 2020

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## HEARING INFORMATION

HEARING BODY	PLANNING COMMISSION
HEARING DATE	Monday, July 27, 2020
HEARING TIME	5:15 p.m.
HEARING LOCATION	<p>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.</p> <p>At 5:15 p.m., join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers):</p> <p><a href="https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc">https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc</a></p> <p>If you wish to dial in using your phone:</p> <p>Call 1-571-317-3122 and when prompted enter access code 498-239-709</p>

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HEARING BODY	CITY COUNCIL
HEARING DATE	Wednesday, August 12, 2020
HEARING TIME	7:15 p.m.
HEARING LOCATION	<p>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.</p> <p>At 7:15 p.m., join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers):</p> <p><a href="https://www.gotomeet.me/cityofalbany/ccm">https://www.gotomeet.me/cityofalbany/ccm</a></p> <p>If you wish to dial in using your phone:</p> <p>Call 1-646-749-3129 and when prompted enter access code 491-970-829</p>

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## APPLICATION INFORMATION

DATE OF NOTICE:	July 7, 2020
FILE:	ZC-01-20
TYPE OF APPLICATION:	Quasi-Judicial 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)
PROPERTY OWNER/APPLICANT:	Five Point Five, LLC; Mike Spencer; 1347 Mountain Drive NW, Albany, OR 97321
APPLICANT REPRESENTATIVE:	Dan Watson, K&D Engineering, Inc; P.O. Box 725, Albany, OR 97321
ADDRESS/LOCATION:	Unaddressed
MAP/TAX LOT:	Linn County Assessor's Map No. 11S-03W-30 Tax Lot 400
ZONING:	NC (Neighborhood Commercial)
COMPREHENSIVE PLAN DESIGNATION:	Light Commercial

The Planning Division has received the application referenced above and has scheduled a public hearing before the Planning Commission and City Council. We are mailing notice of the application to property owners within 300 feet of the proposed development.

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 for the hearing is available by 5:00 p.m. on Wednesday, July 20, 2020, on the City's website at:

[www.cityofalbany.net/cdprojects](http://www.cityofalbany.net/cdprojects)

Should you wish to discuss this case with a planner, please contact the project planner, Travis North, at [travis.north@cityofalbany.net](mailto:travis.north@cityofalbany.net), 541-791-0176, 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

All testimony and evidence must be directed toward the approval standards and criteria for the 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 city council an adequate opportunity to respond to each raised issue, 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 Friday, July 24, 2020. To testify virtually during a public hearing, register by emailing [cdaa@cityofalbany.net](mailto: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 hearings will occur on Monday, July 27, 2020, at 5:15 p.m., and Wednesday, August 12, 2020, at 7:15 p.m. The respective hearing body will open the public hearing. The public hearing will begin with a declaration of any bias, *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. 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, a calling upon anyone else who wishes to testify either in support, 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 chair 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.

## REVIEW CRITERIA FOR THIS APPLICATION

The Albany Development Code (ADC) contains the following review criteria that must be met for this application to be approved:

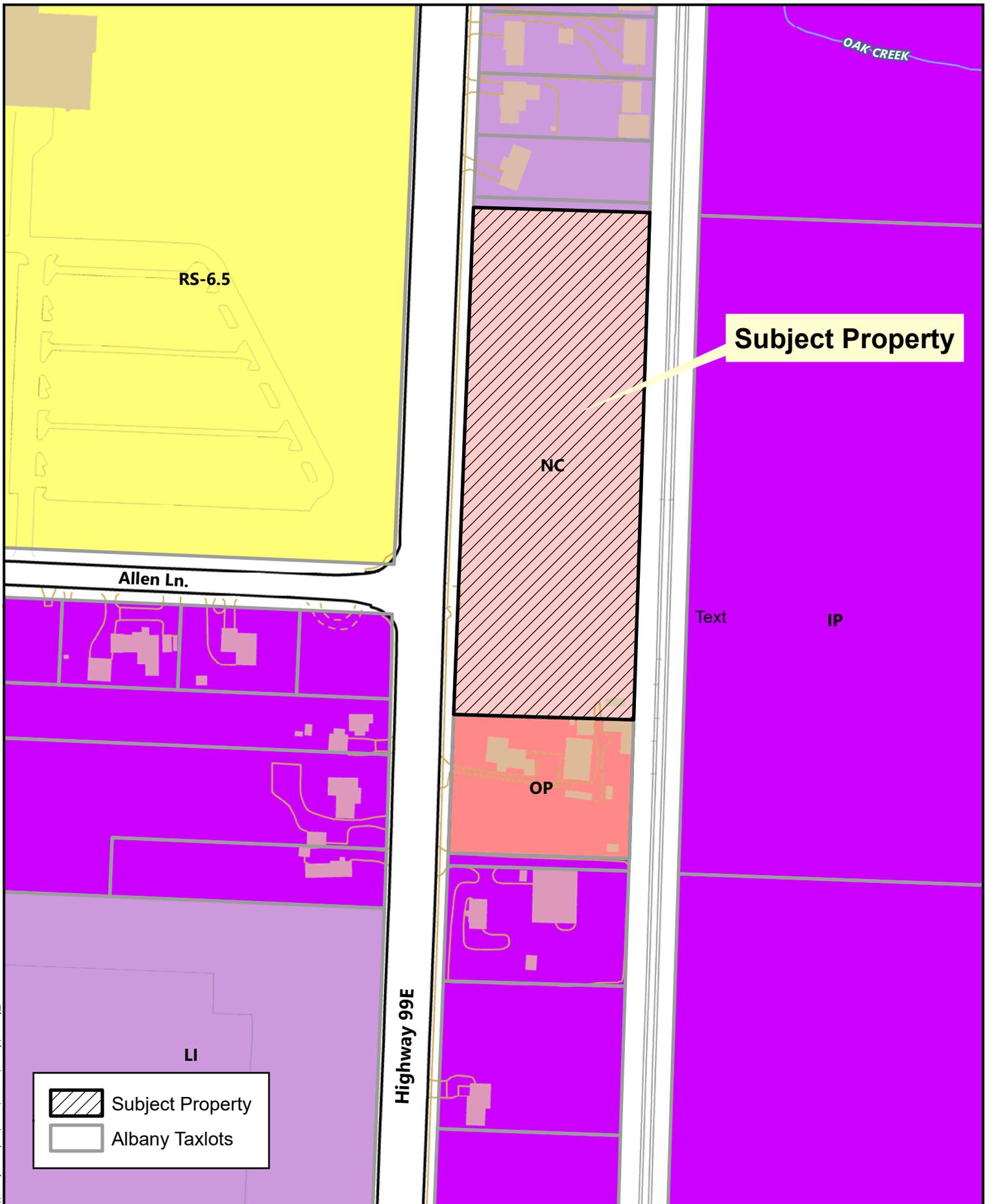
### **Quasi-Judicial Zoning Map Amendment (ADC 2.740)**

- (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.

Attachments:

- A. Current Zoning Designation Map
- B. Proposed Zoning Designation Map



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

Date: 2/26/2020 Map Source: City of Albany

City of Albany



**Proposed Zone Change  
from Neighborhood Commercial (NC)  
to Office Professional (OP)**

RS-6.5

Allen Ln.

NC

Text

IP

OP

Highway 99E

OAK CREEK



Subject Property

Albany Taxlots



N 022550  
Feet

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

Date: 2/26/2020 Map Source: City of Albany

City of Albany

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