



COMMUNITY DEVELOPMENT

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

Revised Notice of Public Hearing

Zoning Map Amendment

ZC-02-22

April 29, 2022

HEARING INFORMATION

Review Body: **Planning Commission**

Hearing Date and Time: **Monday, May 2, 2022, at 5:15 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

Virtual: At 5:15 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

Review Body: **City Council**

Hearing Date and Time: **Wednesday, May 25, 2022, at 6:00 p.m.**

Hearing Location: Council Chambers, Albany City Hall, 333 Broadalbin Street SW

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

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

APPLICATION INFORMATION

File: ZC-02-22

Proposal: Zone Map Amendment from RM to RMA for future development.

Review Body: Planning Commission and City Council

Property Owner/Applicant: 2398 Marion Street LLC; Paul Spies, Agent
PO Box 548; Corvallis, OR 97339

Land Use Consultant: Linsey McLane-Godwin; MSS Engineering Inc.
215 NW Fourth Street; Corvallis, OR 97330

Engineer: Peter Seaders, MSS Engineering Inc.
215 NW Fourth Street; Corvallis, OR 97330

Address/Location: 2350 and 2398 Marion Street SE, Albany, OR 97322

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-18BA; Tax Lots 601 and 700

Total Land Area: 6.30 Acres

Comprehensive Plan Map: Medium Density Residential (MDR)

Zoning: Residential Medium Density (RM)

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 Planning Commission and City Council. 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 Monday, April 25, 2022, and on the City's website at:

<https://www.cityofalbany.net/cd/projectreview>

Should you wish to discuss this case with a planner, please contact David Martineau, project planner, at david.martineau@cityofalbany.net or 541-917-7555. 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 Planning Commission and City Council 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 Planning Commission and City Council an adequate opportunity to respond to each issue raised, precludes an appeal based on that issue.

Persons wanting to provide testimony for either the Planning Commission or City Council public hearings may choose one of the following options:

1. Email written comments to david.martineau@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 applicable 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/mayor 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 packets if received by David Martineau at david.martineau@cityofalbany.net on or before the following dates:

- 1) **April 18, 2022, for the May 2, 2022, planning commission meeting date, and**
- 2) **May 9, 2022, for the May 25, 2022, city council meeting date.**

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 hearings will occur on Monday, May 2, 2022, at 5:15 p.m., and Wednesday, May 25, 2022, at 6:00 p.m. The respective 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 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.

The City Council's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA) if a person with standing files a Notice of Intent to Appeal not later than 21 days after the notice of decision is mailed [ADC 1.520(2)].

APPROVAL CRITERIA FOR APPLICATIONS

The Albany Development Code (ADC) contains the following review criteria that must be met for approving the application as described. The proposed quasi-judicial map amendment to the Zoning Land Use Map is subject to criteria as described below:

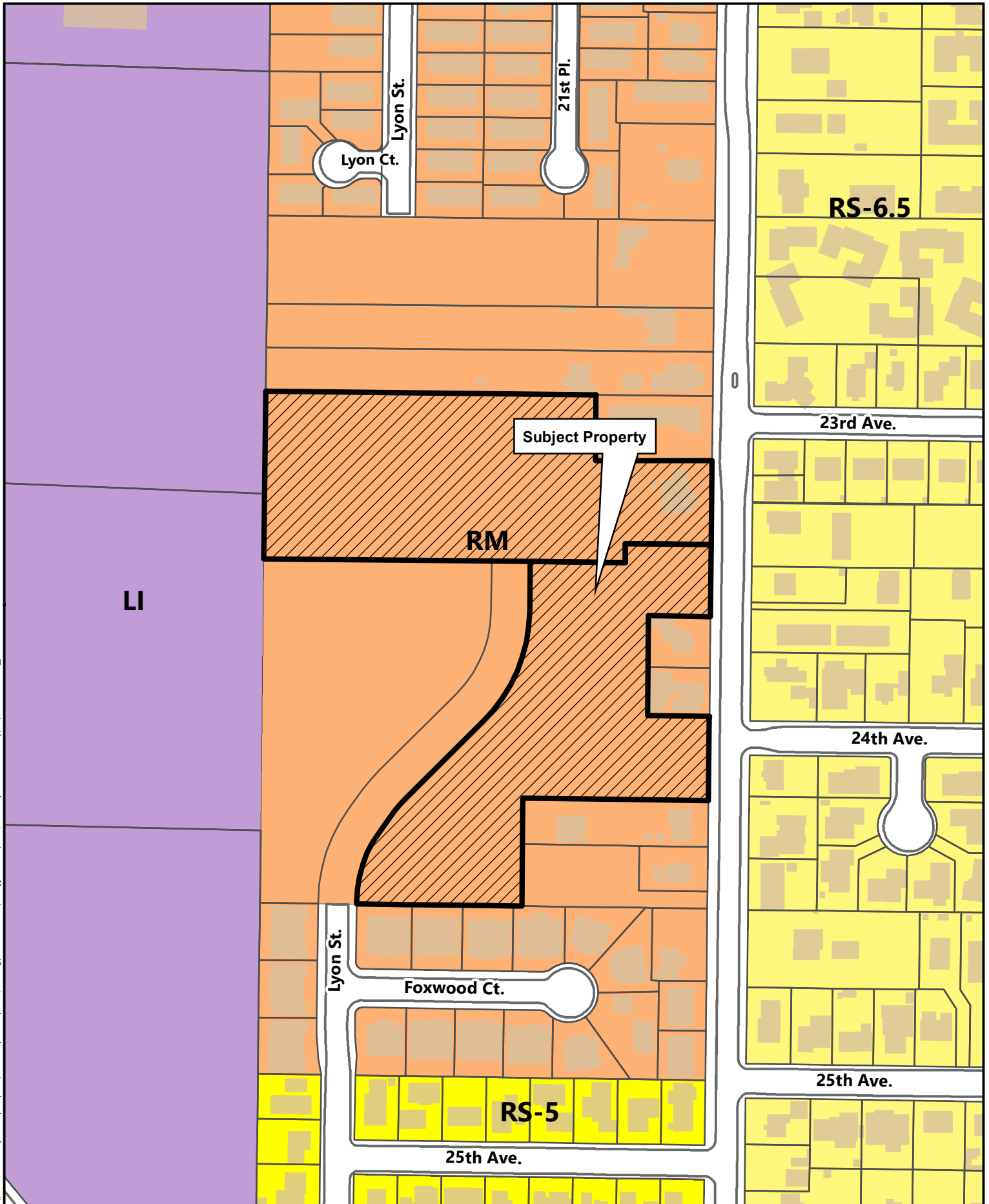
Quasi-Judicial Zoning Map Amendment (ADC 2.740)

- (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.

Attachment:

1. Location Map

\\alderman.coc.cityofalbany.net\Data\Community_Development\Planning\Land Use_Cases\Pre-app_Reviews\2021\PR-66-2_(2350 Marion St SE)\GIS\2350Marionetel_1000\addresslist.mxd



0 50 100 200 Feet

2350 & 2398 Marion St. SE

Date: 1/12/2022 Map Source: City of Albany

Location / Zoning Map