



## COMMUNITY DEVELOPMENT

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

# Notice of Public Hearing

## Annexation with Concurrent Zoning Map Amendment

AN-01-22 and ZC-01-22

April 11, 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 Option: 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 Option: To comment/testify, see instructions on next page.

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

### APPLICATION INFORMATION

Proposal: Annexation of 22-acre parcel with concurrent Zone Map Amendment from UGA/UGM-5 to RS-5 and RM for future development.

Review Body: Planning Commission and City Council

Property Owner: Justin Gross; 3483 Buena Vista Road S; Jefferson, OR 97352

Applicant: Laura LaRoque, Udell Engineering and Land Surveying  
63 E. Ash Street; Lebanon, OR 97355

Address/Location: Unassigned; located on the south side of Ellingson Road SE, east of its intersection with Lochner Road.

Map/Tax Lot: Linn County Assessor's Map No. 11S-03W-29; Tax Lot 501

Zoning: Urban Growth Area – Urban Growth Management 5-acre minimum (UGA-UGM-5)

Comprehensive Plan: Urban Residential Reserve

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 web site at:

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

Should you wish to discuss this case with a planner, please contact Planning Supervisor David Martineau at [david.martineau@cityofalbany.net](mailto: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](mailto: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](mailto: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](mailto: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](mailto: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 STANDARDS FOR THIS APPLICATION

### *Annexation (ADC 2.110)*

The review body shall make a quasi-judicial land use decision as to whether the proposed annexation complies with all of the following criteria:

- (1) Eligibility Criteria. The City shall determine that property is eligible for annexation based on the following criteria:
  - (a) The property is contiguous to the existing city limits; and
  - (b) The property is located within the Albany Urban Growth Boundary as established by the Albany Comprehensive Plan.
- (2) Infrastructure Criteria. The City shall determine that it is timely to annex property based on the following criterion:
  - (a) An adequate level of urban services and infrastructure is available or will be made available in a timely manner.
  - (b) As used in this section:
    - i. "Adequate level" means conforms to adopted plans and ordinances.
    - ii. "Urban services" means police, fire, and other City-provided services.
    - iii. "Infrastructure" means sanitary sewer, water, storm drainage, and streets.
    - iv. "Be made available in a timely manner" means that improvements needed for an adequate level of urban services and infrastructure will be provided at the time and place needed to serve the anticipated development. Improvements may be secured by a development agreement, annexation agreement, or other funding mechanism that will place the primary economic burden on the territory proposed for annexation and not on the City of Albany generally.
- (3) Planning Criteria. The City shall determine that adequate planning has occurred based on the following criterion: Sufficient planning and engineering data have been provided, and necessary studies and reviews have been completed such that there are no significant unresolved issues regarding appropriate Comprehensive Plan and implementing ordinances. Examples of needed studies may include public infrastructure plans, buildable lands inventories, area refinement plans, or any task in an approved work program for Periodic Review.
- (4) Reasonableness. The City Council shall determine that the proposed annexation is reasonable.

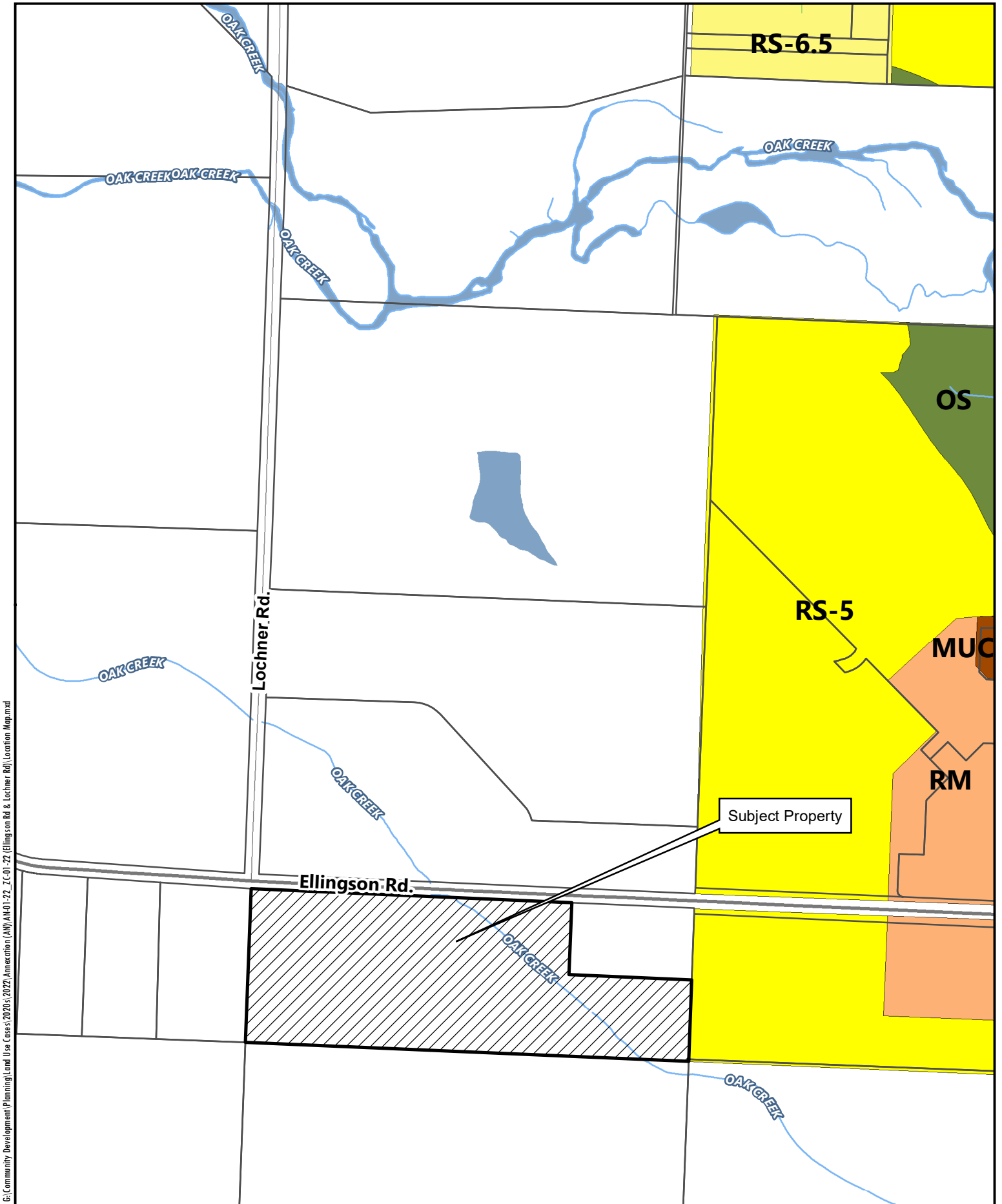
***Zone Map Amendments (ADC 2.740)***

Zoning Map amendments will be approved if the Council finds that the applicant has shown that all of the following criteria are met:

- (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



G:\Community Development\Planning\Land Use Cases\2020's\2022\Amendment (AN) AN-01-22\_21-01-22 (Ellingson Rd & Lochner Rd)\Location Map.mxd



05000200

Feet

# South side of Ellingson Road SE

Date: 1/27/2022 Map Source: City of Albany

Location Map