



## COMMUNITY DEVELOPMENT

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

# Notice of Public Hearing

## Right-of-Way Vacation

VC-02-22

September 19, 2022

### HEARING INFORMATION

Review Body: Planning Commission  
Hearing Dates: Monday, October 17, 2022  
Hearing Times: 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 Dates: Wednesday, November 9, 2022  
Hearing Times: 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

Application Description: Street Right-of-way Vacation for Elm Street SW south of 24<sup>th</sup> Avenue.  
Review Body: Planning Commission and City Council (Type IV-Q)  
Property Owners: City of Albany, 333 Broadalbin Street SW, Albany, OR 97321  
Applicant / Representative: Gordon Steffensmeier, on behalf of the City of Albany  
333 Broadalbin Street SW, Albany, OR 97321  
Address/Location: Unaddressed and 2400 Pacific Boulevard SW  
Map/Tax Lot: Linn County Assessor's Map No. 11S-04W-13AB, Tax Lots 1100 and 1200.  
Zoning: OP (Office Professional)

The Planning Division has received the street vacation application referenced above and has scheduled public hearings before the Planning Commission and City Council. We are mailing notice of this public hearing to property owners within 200 feet laterally and 400 feet beyond the terminus of the right-of-way proposed to be vacated, per Oregon Revised Statute (ORS) 271.080. We invite your comments, either in writing prior to the day of the public hearing or in person at the hearing. Comments will be taken into account when the Planning Commission and City Council make decisions on these applications.



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 at no cost. The staff report for the Planning Commission hearing will be available on the City's website at the following link: [www.cityofalbany.net/cdprojects](http://www.cityofalbany.net/cdprojects) by 5:00 p.m. on Monday, October 10, 2022. The staff report for the City Council hearing will be available at the aforementioned locations by 5:00 p.m. on Wednesday, November 2, 2022. Copies will also be provided upon request at a reasonable cost. For more information, please contact Gordon Steffensmeier, Public Works Division, at 541-917-7647, or by email at [gordon.steffensmeier@cityofalbany.net](mailto:gordon.steffensmeier@cityofalbany.net). Submit any written comments to the Planning Division, P.O. 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

We invite your comments, either in writing prior to the day of the public hearing or in person 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) **October 6, 2022, for the October 17, 2022, Planning Commission meeting date, and**
- 2) **October 24, 2022, for the November 9, 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, October 17, 2022, at 5:15 p.m. and Wednesday, November 9, 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 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

Appeal of a Type IV-Q decision is described in Article 1, Section 1.250(8) of the Albany Development Code (ADC).

## APPROVAL CRITERIA FOR APPLICATIONS

The ADC contains the following review criteria that must be met for approving the application as described.

### **Street Vacation (ADC 2.630)**

- 1) The requested vacation is consistent with relevant Comprehensive Plan policies and with any street plan, city transportation, or public facility plan.
- 2) The requested vacation will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, public facilities, or utilities.
- 3) The requested vacation will not have a negative effect on traffic circulation or emergency service protection.
- 4) The portion of the right-of-way that is to be vacated will be brought into compliance with Code requirements, such as landscaping, driveway access, and reconstruction of access for fire safety.
- 5) The public interest, present, and future will be best served by approval of the proposed vacation.

Attachments: Site Plan for Right-of-way Vacation

### Map of Elm Street Vacation

