



## 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

## Annexation with Concurrent Zoning Map Amendment

AN-03-20 & ZC-04-20

March 11, 2021

### HEARING INFORMATION

Review Body: Planning Commission

Hearing Dates: Monday, March 1, 2021

Hearing Times: 5:15 p.m.

Hearing Location: Due to Governor Brown's Executive Orders limiting public gatherings during the COVID-19 pandemic, meetings are accessible to the public via phone and video connection.

At 5:15 p.m., join with the GoToMeeting app on your computer, tablet, or smartphone (using your device's microphone and speakers):

<https://www.gotomeet.me/CommunityDevelopmentCityofAlbany/pc>

You can use your microphone or dial in using your phone:

Phone: 1-571-317-3122

Access Code: 498-239-709

Review Body: City Council

Hearing Dates: Wednesday, March 24, 2021

Hearing Times: 6:00 p.m.

Hearing Location: At 6:00 p.m., join with Zoom on your computer, tablet, or smartphone (using your device's microphone and speakers):

<https://zoom.us/j/5419177500?pwd=UzdQbFgvSUxVRVFrZjAwSnIxVXZQZz09>

One tap from your smartphone:

+12532158782,,5419177500#,,,,\*252269# US (Tacoma)

Dial-in:

+1 253 215 8782 US (Tacoma)

Meeting ID: 541 917 7500

Passcode: 252269

Find your local number: <https://zoom.us/u/aeJyxvQLtu>

[cd.cityofalbany.net](http://cd.cityofalbany.net)



## APPLICATION INFORMATION

Application Description:	Annexation with concurrent Zone Map Amendment to a Residential Single Family (RS-6.5) zone for future development of a residential subdivision.
Review Body:	Planning Commission and City Council
Property Owner:	Loren Gerig and LuAnn Brenneman Irvin and Lois Gerig Rev Liv Trust 2089 Silver Falls Drive NE Silverton, OR 97381
Applicant:	Hayden Homes, LLC Attn: James Limerick 2464 SW Glacier Place #110 Redmond, OR 97756
Applicant's Representative:	Metro Planning Attn: Jed Truett 846 A Street Springfield, OR 97477
Address/Location:	3795 Lochner Road SE
Map/Tax Lot:	Linn County Assessor's Map No. 11S-03W-20; Tax Lot 606
Zoning:	Urban Growth Area – Urban Growth Management 20-acre minimum (UGA-UGM-20)

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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 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 will be available by 5:00 p.m. on Monday, February 22, 2021, 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 Project Planner Melissa Anderson at [melissa.anderson@cityofalbany.net](mailto:melissa.anderson@cityofalbany.net) or 541-704-2319 or Development Services Manager Matthew Ruetters at [matthew.ruetters@cityofalbany.net](mailto:matthew.ruetters@cityofalbany.net) or 541-917-7674. 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

We invite your comments, either in writing prior to the day of the public hearing or virtually 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.

## 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.**

The public hearings will occur on Monday, March 1, 2021, at 5:15 p.m., and Wednesday, March 24, 2021 at 6:00 p.m. Written comments for the Planning Commission will be received by City staff until 5:00 p.m. on Friday, February 26, 2021. Written comments for the City Council will be received by City staff until Noon on the day of the meeting, Wednesday, March 24, 2021.

To appear virtually during a public hearing, register by emailing [cdaa@cityofalbany.net](mailto:cdaa@cityofalbany.net) before Noon on the day of the meeting with your name, address, phone number, 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 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.

If you have a disability that requires accommodation, please notify the Human Resources Department in advance by calling 541-917-7500.

## 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.

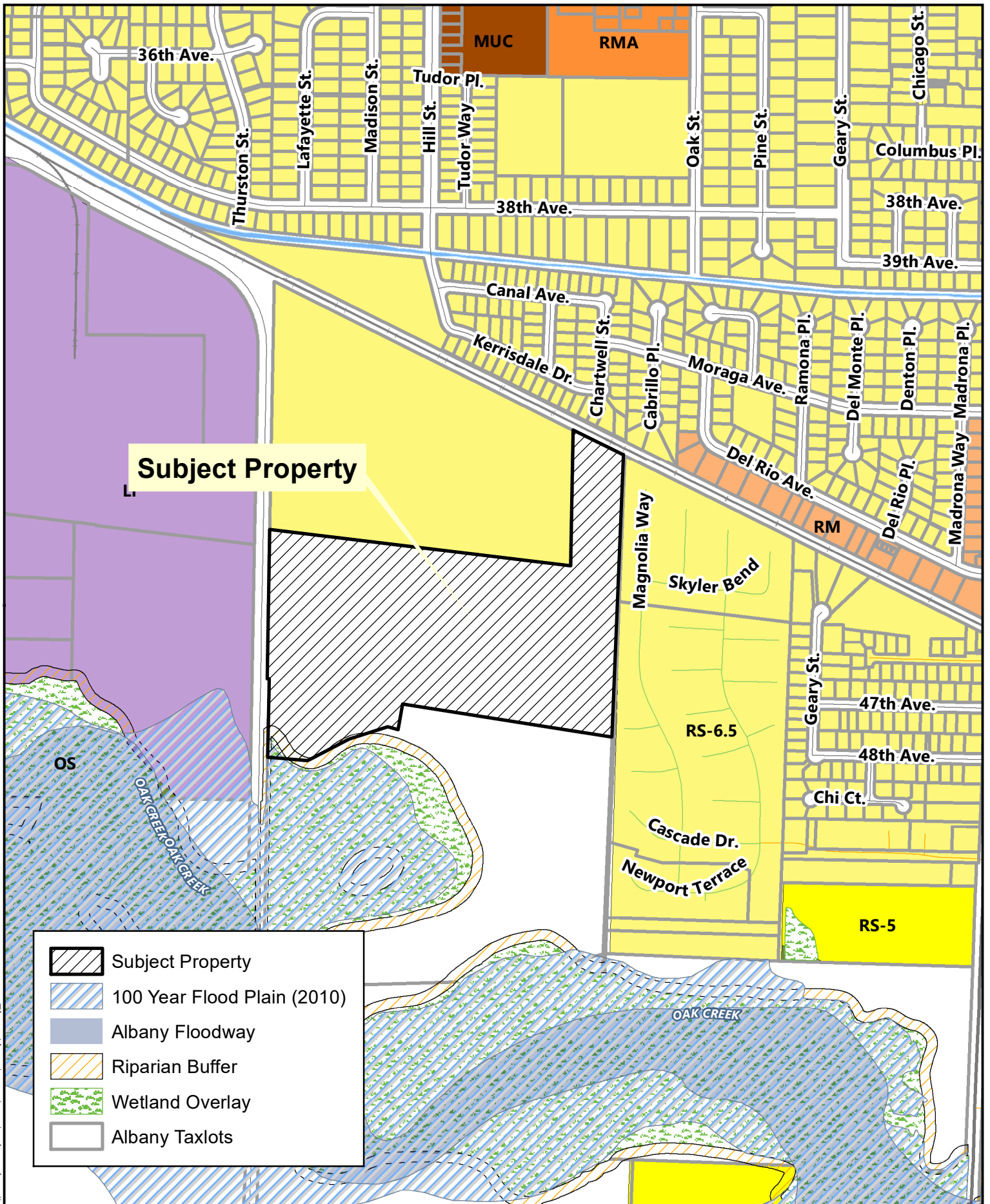
#### ***Zone Map Amendments (ADC 2.740)***

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



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N 10550 Feet

**Location: 3795 Lochner Road SE**

Date: 1/26/2021 Map Source: City of Albany

City of Albany, OR