



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2524

Phone: (503) 373-0050

First Floor/Coastal Fax: (503) 378-6033

Second Floor/Director's Office Fax: (503) 378-5518

Third Floor/Measure 37 Fax: (503) 378-5318

Web Address: <http://www.oregon.gov/LCD>

NOTICE OF ADOPTED AMENDMENT

December 7, 2006

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Albany Plan Amendment
DLCD File Number 001-03



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: December 21, 2006

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

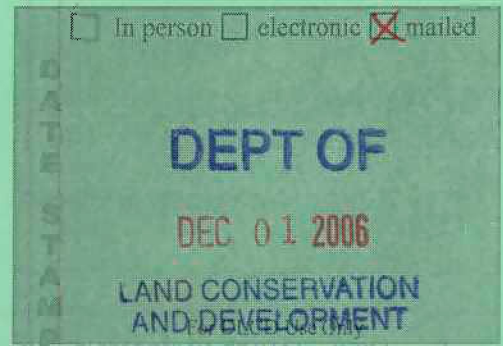
Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Marguerite Nabeta, DLCD Regional Representative
Steve Oulman, DLCD Transportation Planner
Don Donovan, City of Albany

<paa> yl



Notice of Adoption

THIS FORM MUST BE MAILED TO DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18



Jurisdiction: **Albany**

Local file number: **CP-01-03/ZC-01-03**

Date of Adoption: **11/29/2006**

Date Mailed: **11/30/2006**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? **Yes** Date: 7/14/2006

- Comprehensive Plan Text Amendment
- Land Use Regulation Amendment
- New Land Use Regulation
- Comprehensive Plan Map Amendment
- Zoning Map Amendment
- Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

1) Change the Comprehensive Plan Map designation of 12.1 acres of land from URR (Urban Residential Reserve) to General Commercial. 2) Change the Zoning Map designation of the same 12.1 acres from RS-6.5 (Residential Single Family) to RC (Regional Commercial).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **URR** to: **GC**

Zone Map Changed from: **RS-6.5** to: **RC**

Location: **East of I-5, South of Santiam Highway (Hwy. 20)** Acres Involved: **12**

Specify Density: Previous: **6 du/acre** New: **0**

Applicable statewide planning goals:

- | | | | | | | | | | | | | | | | | | | |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
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Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

- 45-days prior to first evidentiary hearing? Yes No
- If no, do the statewide planning goals apply? Yes No
- If no, did Emergency Circumstances require immediate adoption? Yes No

001-03 (12906)

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Albany, Oregon Department of Transportation

Local Contact: **Don Donovan, Planning Manager**

Phone: (541) 917-7561 Extension:

Address: **PO Box 490**

Fax Number: **541-917-7598**

City: **Albany**

Zip: **97321-**

E-mail Address: **don.donovan@cityofalbany.net**

ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**

per ORS 197.610, OAR Chapter 660 - Division 18.

1. **Send this Form and TWO Complete Copies** (documents and maps) of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

2. Electronic Submittals: At least **one** hard copy must be sent by mail or in person, but you may also submit an electronic copy, by either email or FTP. You may connect to this address to FTP proposals and adoptions: **webserver.lcd.state.or.us**. To obtain our Username and password for FTP, call Mara Ulloa at 503-373-0050 extension 238, or by emailing **mara.ulloa@state.or.us**.
3. **Please Note:** Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. **Submittal of this Notice of Adoption** must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the Notice of Adoption is sent to DLCD.
6. In addition to sending the Notice of Adoption to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can now access these forms online at **http://www.lcd.state.or.us/**. Please print on **8-1/2x11 green paper only**. You may also call the DLCD Office at (503) 373-0050; or Fax your request to: (503) 378-5518; or Email your request to **mara.ulloa@state.or.us** - ATTENTION: PLAN AMENDMENT SPECIALIST.

AN ORDINANCE AMENDING ORDINANCE NO. 4447, WHICH ADOPTED THE CITY OF ALBANY COMPREHENSIVE PLAN MAP; AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS, CONCLUSIONS AND CONDITIONS, AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 4212 SANTIAM HIGHWAY SE.

WHEREAS, the Albany Planning Commission recommended approval of the proposed map amendments following a public hearing on October 20, 2003, for City of Albany File Nos. CP-01-03 and ZC-01-03; and

WHEREAS, the Albany City Council held public hearings on these same applications on November 12, 2003, December 22, 2003, and October 25, 2006; and read the ordinance once at the November 15, 2006 Council meeting.

NOW THEREFORE, THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The Findings of Fact, Conclusions of Law, and Conditions attached as Exhibit "A" are hereby adopted in support of this decision.

Section 2: The Albany Comprehensive Plan Map designation of the property shown on Exhibit "B" is hereby amended from Urban Residential Reserve to General Commercial.

Section 3: The Zoning Map designation of the property shown on Exhibit "B" is hereby amended from RS-6.5 (Residential Single Family) to RC (Regional Commercial).

Section 4: The property affected by the Comprehensive Plan and Zoning amendments contains approximately 4.7 acres of property already designated as commercial and approximately 12.1 acres of property currently designated as residential. The current split designations are shown on Exhibit "B." A legal description for the entire 16.8 acre parcel is attached as Exhibit "C." The effect of these Comprehensive Plan and Zoning amendments shall make the entire property described in Exhibit "C" General Commercial (Plan) and Regional Commercial (Zoning).

Section 5: A copy of the map showing the amendments to the Comprehensive Plan Map and Zoning Map shall be filed in the Office of the City Recorder of the City of Albany and the changes shall be made on the official City of Albany Comprehensive Plan Map and Zoning Map.

Section 6: A copy of the legal description of the affected property and the map showing the amendment to the Zoning Map shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Section 7: Inasmuch as this ordinance is necessary for the immediate preservation of peace, health, and safety of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance will be in full force and effect immediately upon passage by the Council and approval by the Mayor.

ATTEST:




City Clerk

Passed by Council: November 29, 2006

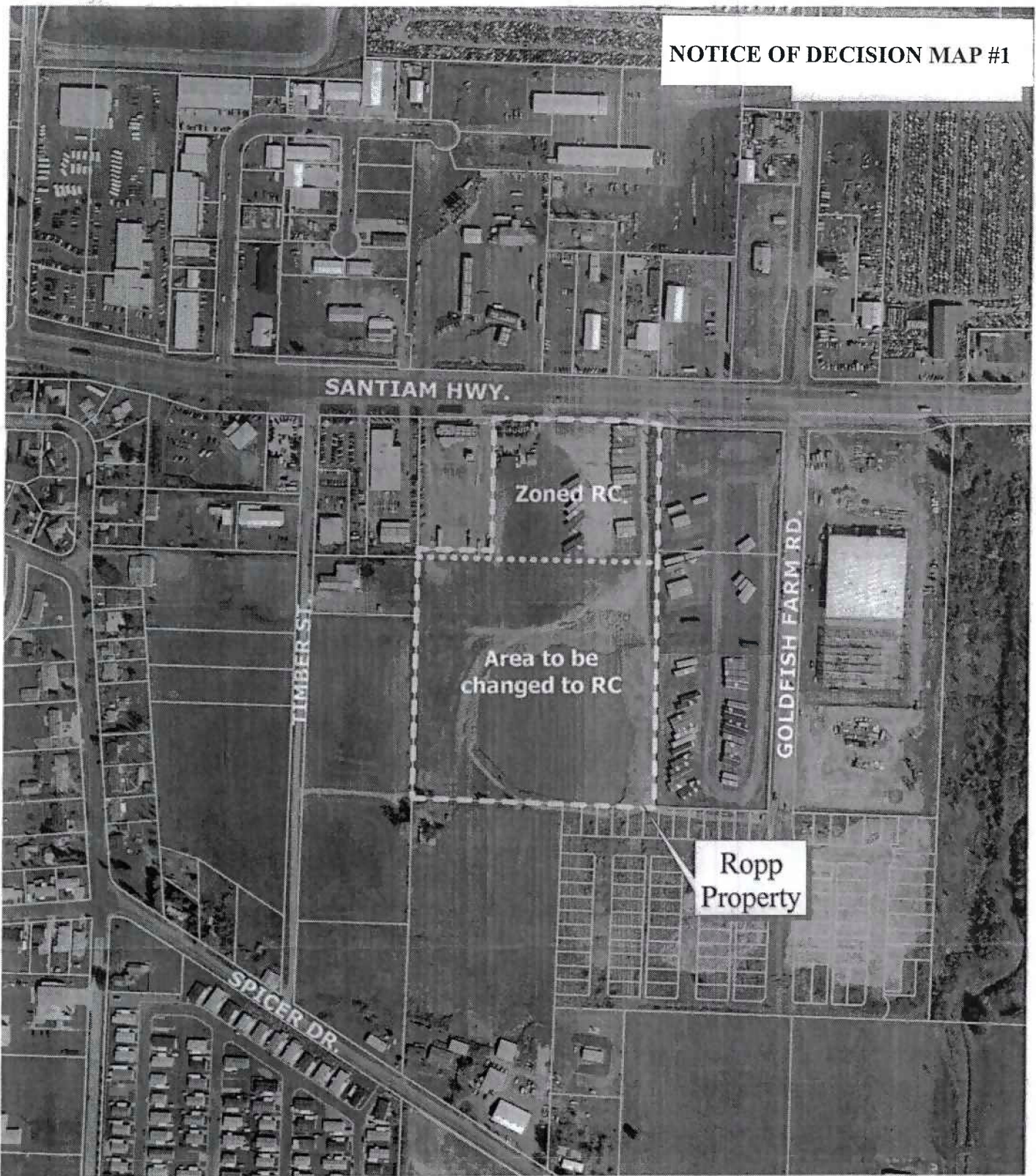
Approved by Mayor: November 29, 2006

Effective Date: November 29, 2006



Mayor

NOTICE OF DECISION MAP #1



Proposed Map Amendments (Ropp Property)



ZC-01-03; CP-01-03

0  500 Feet

g:/current/2003/03zc01map

Oct 7, 2003

The City of Albany's infrastructure records, drawings, and other documents have been gathered over many decades using differing standards for quality control, documentation, and verification. All the information provided represents current information in a readily available format. While the information provided is generally believed to be accurate, occasionally this information proves to be incorrect, and that its accuracy is not guaranteed. Prior to making any property purchases or other investments based in full or in part upon the information provided, it is specifically advised that you independently verify the information contained within our records.

