



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 02, 2015
Jurisdiction: City of Albany
Local file no.: ZC-01-15
DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 05/28/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD less than 35 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE	
File No.:	002-15
	{ 23689 }
Received:	5/29/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Albany

Local file no.: **ZC-01-15**

Date of adoption: 5-27-15

Date sent: 5/29/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3-17-15

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No, it is the same.

Local contact (name and title): Melissa Anderson

Phone: 541-704-2319

E-mail: melissa.anderson@cityofalbany.net

Street address: 333 Broadalbin St. SW

City: Albany

Zip: 97321-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- | | | | |
|-------------|----|--------|--|
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |
| Change from | to | acres. | A goal exception was required for this change. |

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Office Professional (OP) 0.11	to Residential Med. Density (RM)	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address): 11S03W08CA02200

List affected state or federal agencies, local governments and special districts: Linn County

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

This was a quasi-judicial zoning map amendment from Office Professional (OP) zone to Residential Medium Density (RM) zone. A map is attached to adopting Ordinance No. 5854 illustrating the change. The proposed RM zone is consistent with the comprehensive plan residential medium density land use designation; therefore, a Comprehensive Plan map amendment was not part of this package.



COMMUNITY DEVELOPMENT DEPARTMENT

333 Broadalbin Street SW, P.O. Box 490
Albany OR 97321

Ph: 541-917-7550 Fax: 541-917-7598
www.cityofalbany.net

NOTICE OF DECISION

GENERAL INFORMATION

DATE OF NOTICE: May 29, 2015
DATE OF DECISION: May 27, 2015
FILE: ZC-01-15
TYPE OF APPLICATION: Zone Change (Type IV, Quasi-judicial) to change one parcel from Office Professional (OP) to Residential Medium Density (RM) to accommodate a residential use.
REVIEW BODIES: Planning Commission and City Council
PREVIOUS PROPERTY OWNER/APPLICANT: Kenneth Marshall, 2697 Broadway Street NW, Albany, OR 97321; 541-754-7314
CURRENT PROPERTY OWNER: Patricia Al Neal, P.O. Box 24, Depoe Bay, OR 97341; 541-765-2945; paneal@centurytel.net
ENGINEER: Brian Vandetta, Udell Engineering; 63 East Ash Street, Lebanon, OR 97355; 541-451-5125
ADDRESS/LOCATION: Unaddressed property, east of 1655 Geary St. SE
MAP/TAX LOT: Linn County Assessor's Map No. 11S-3W-08CA; Tax Lot 2201

On May 27, 2014, the Albany City Council adopted Ordinance No. 5854 to amend the Albany Zoning Map as described above.

A copy of Ordinance No. 5854 is available on request. The supporting documentation relied upon by the City in making this decision is available for review at the Community Development Department, City Hall, 333 Broadalbin Street SW, on the second floor. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday. For more information, please contact Project Planner Melissa Anderson at 541-704-2319.

The City's decision may be appealed to the Oregon Land Use Board of Appeals (LUBA). Per ORS 197.830 a notice of intent to appeal the plan and/or zoning map amendments shall be filed with LUBA no later than 21 days after notice of the decision is mailed or otherwise submitted to parties entitled to notice.


Mayor

ORDINANCE NO. 5854

AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; FOR PROPERTY LOCATED AT AN UNADDRESSED PROPERTY, EAST OF 1655 GEARY ST. SE; LINN COUNTY ASSESSOR'S MAP NO. 11S-3W-08CA, TAX LOT 2201; AND DECLARING AN EMERGENCY.

WHEREAS, the Albany Planning Commission held a public hearing on April 20, 2015, and considered public testimony on the proposed map amendment, and recommended approval based on evidence presented in the staff report presented at the public hearing for City of Albany Planning File ZC-01-15; and

WHEREAS, a zoning district map and legal description for the subject property are provided as Ordinance Exhibits A and B, respectively; and

WHEREAS, the Albany City Council held a public hearing on the same application on May 27, 2015, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated.

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

Section 1: The Findings of Fact and Conclusions included in the Staff Report are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of the area, attached as Ordinance Exhibit A, is hereby amended from Office Professional, OP, to Residential Medium Density, RM.

Section 3: A copy of the map showing the amendment to the Zoning Map shall be filed in the Office of the City Clerk of the City of Albany and the changes shall be made on the official City of Albany Zoning Map.

Section 4: A copy of the legal description of the affected property, attached as Ordinance Exhibit B, shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

Section 5: In as much as this ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, or to facilitate the prompt and timely completion of important City business, an emergency is hereby declared to exist; and this Ordinance shall take effect and be in full force and effect when signed by the Mayor.

Passed by the Council: May 27, 2015

Approved by the Mayor: May 27, 2015

Effective Date: May 27, 2015

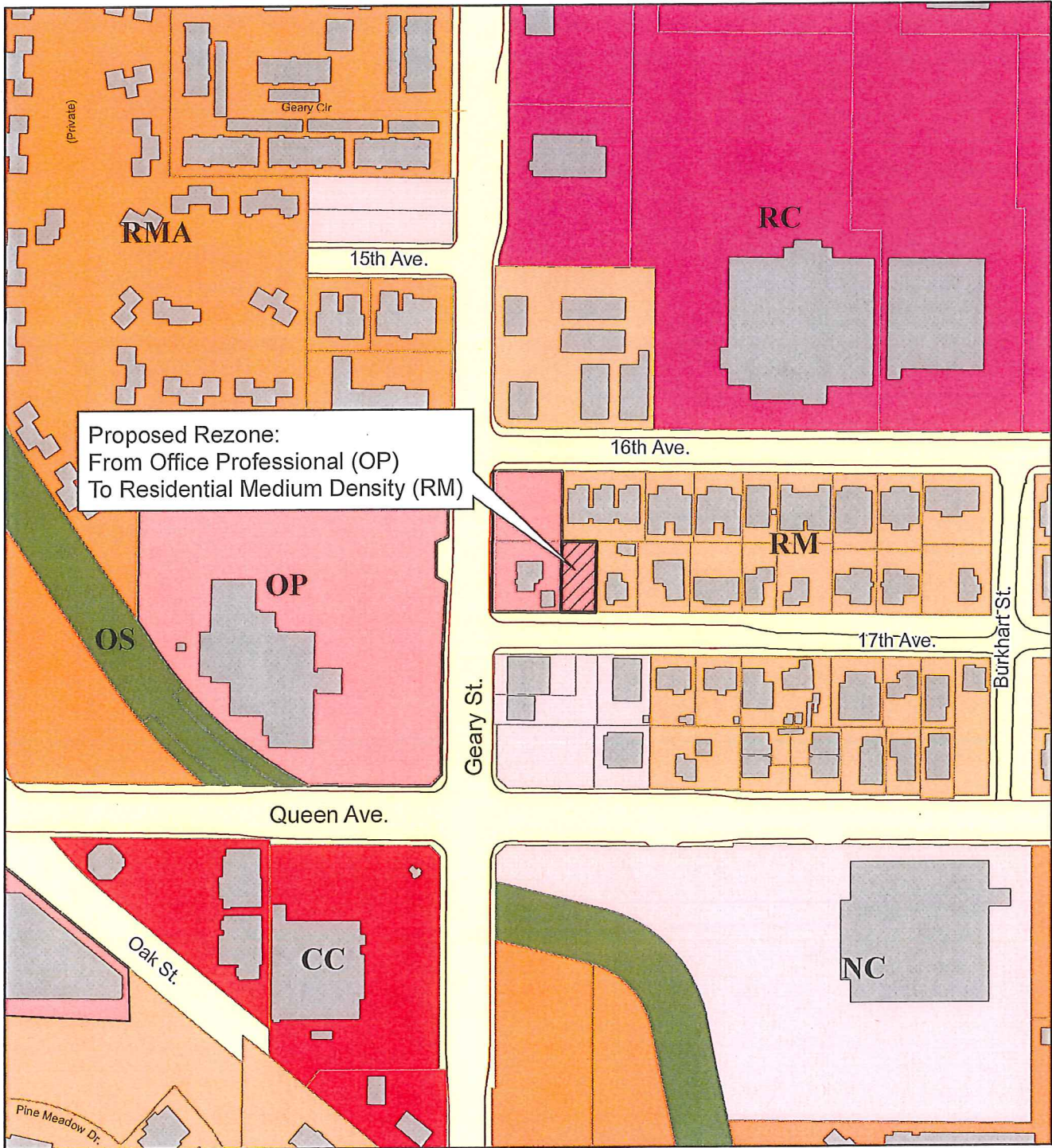


Mayor

ATTEST:



City Clerk



Proposed Rezone:
From Office Professional (OP)
To Residential Medium Density (RM)

Location Map: Unaddressed Parcel, East of 1655 Geary St. SE

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 of the data provided represents current information in a readily available format. While the data provided is generally believed to be accurate, occasionally it proves to be incorrect, thus its accuracy is not warranted. Prior to making any property purchases or other investments based in full or in part upon the material provided, it is specifically advised that you independently field



March 9, 2015

Planning Division

City of Albany - 333 Broadalbin St. SW, Albany, Oregon 97321 (541) 917- 7550

Marshall

Zone Change Area Legal Description

An area of land in the Southwest 1/4 of Section 8, Township 11 South, Range 3 West, Willamette Meridian, City of Albany, Linn County, Oregon. Being more particularly described as follows:

Lot 6, Block 8, Fair Dale Addition, being more particularly described as follows:

Beginning at the Southeast corner of said lot 6, on the North right-of-way of 17th Avenue, thence along said North right-of-way North 90°00'00" West 50.00 feet to the Southwest corner of said lot 6; thence leaving said North right-of-way North 0°00'00" East 100.00 feet to the Northwest corner of said lot 6; thence North 90°00'00" East 50.00 feet to the Northeast corner of said lot 6; thence South 0°00'00" West 100.00 feet to the point of beginning.

The basis for this legal description is Linn County Survey No. 9502.