



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/17/2012

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Albany Plan Amendment
DLCD File Number 006-12

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: Friday, December 28, 2012

This amendment was submitted to DLCD for review 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 Acknowledgment or 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. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: David Martineau, City of Albany
Gordon Howard, DLCD Urban Planning Specialist
Ed Moore, DLCD Regional Representative

<paa> N



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	DEC 10 2012
	LAND CONSERVATION AND DEVELOPMENT
For Office Use Only	

Jurisdiction: **Albany**

Local file number: **ZC-06-12**

Date of Adoption: **12/5/2012**

Date Mailed: **12/7/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 9/25/2012

☐ Comprehensive Plan Text Amendment

☐ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

Zoning Map Amendment to change 8,475 sq. ft. (0.19 acre) parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM) zone. The RM zoning is "compatible" with the Comprehensive Plan map designation of Residential - Medium Density, therefore a concurrent Comprehensive Plan Map Amendment was not needed.

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

Plan Map Changed from: **N/A**

to: **N/A**

Zone Map Changed from: **NC**

to: **RM**

Location: **1055 Queen Avenue SW; 11S-04W-12DB, Tax Lot 15500**

Acres Involved: **0.19**

Specify Density: Previous: **N/A**

New: **N/A**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

35-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

DLCD file No. 006-12 (19520) [17265]

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

Local Contact: **David Martineau, Project Planner**

Phone: (541) 917-7561 Extension:

Address: **PO Box 490**

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

City: **Albany, OR**

Zip: **97321-**

E-mail Address:

david.martineau@cityofalbany.net

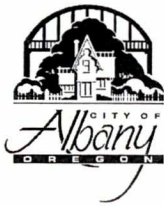
ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.



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: December 7, 2012
DATE OF DECISION: December 5, 2012
FILE: ZC-06-12
TYPE OF APPLICATION: Quasi-judicial Zoning Map amendment to change a 8,475 sq. ft. parcel from Neighborhood Commercial (NC) to Residential Medium Density (RM)
REVIEW BODIES: Planning Commission and City Council
PROPERTY OWNER/
APPLICANT: Roger B. & Terry J. Wylie; 4904 NW Scenic Drive; Albany, OR 97321;
(541) 979-1280
ADDRESS/LOCATION: 1055 Queen Avenue SW
MAP/TAX LOT: Linn County Assessor's Map No. 11S-04W-12DB; Tax Lot 15500

On December 5, 2012, the Albany City Council adopted Ordinance No. 5799 to amend the Albany Comprehensive Plan Map and the Albany Zoning Map as described above.

A copy of Ordinance No. 5799 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 David Martineau at 541-917-7550.

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. 5799

AN ORDINANCE AMENDING ORDINANCE 4441, WHICH ADOPTED THE CITY OF ALBANY ZONING MAP; ADOPTING FINDINGS; AND DECLARING AN EMERGENCY FOR PROPERTY LOCATED AT 1055 QUEEN AVENUE SW

WHEREAS, the Albany Planning Commission held a public hearing on November 5, 2012, on the proposed map amendment and recommended approval based on evidence presented in the staff report and testimony presented at the public hearing for City of Albany Planning File ZC-06-12; and

WHEREAS, the Albany City Council held a public hearing on the same application on December 5, 2012, and reviewed the findings of fact and testimony presented at the public hearing and then deliberated; and

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 attached as Ordinance Exhibit A are hereby adopted in support of this decision.

Section 2: The Zoning Map designation of the properties described in Ordinance Exhibit B is hereby amended from Neighborhood Commercial, NC, 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 is attached as Ordinance Exhibit C. It shall be filed with the Linn County Assessor's Office within 90 days after the effective date of this ordinance.

IT IS HEREBY adjudged and declared that this Ordinance is necessary for the immediate preservation of the public peace, health, and safety of the City of Albany, and an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect when passed by the City Council and approved by the Mayor.

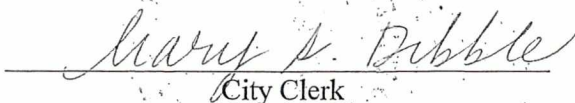
Passed by the Council: Dec 5, 2012

Approved by the Mayor: Dec 5, 2012

Effective Date: Dec 5, 2012

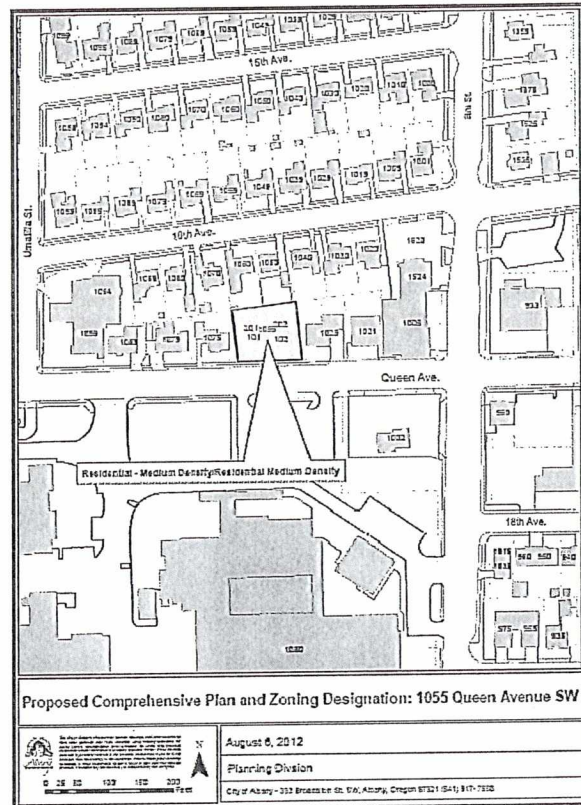
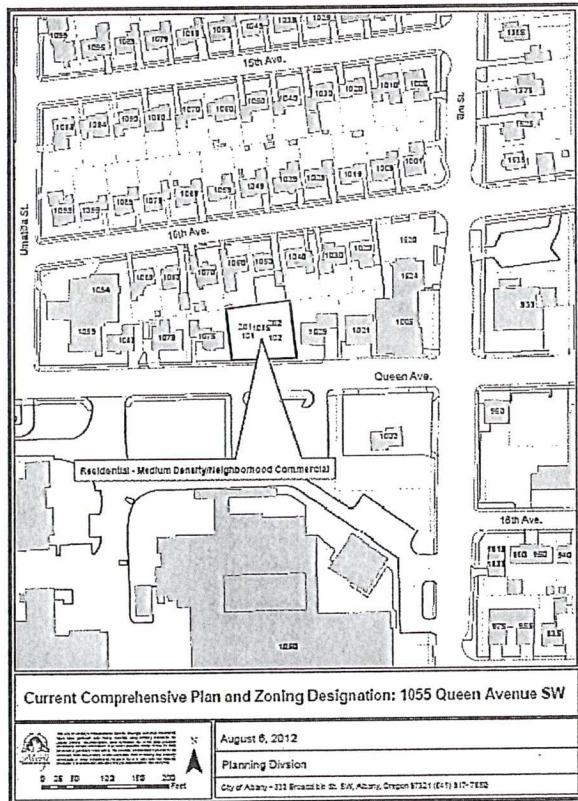

Mayor

ATTEST:


City Clerk

ZC-06-12, Zoning Map Amendment

A Zoning Map Amendment that would change the designation of an 8,475 sq. ft. parcel of land from Neighborhood Commercial (NC) District to Residential Medium Density (RM) District as shown on the following maps:





PLANNING

P.O. Box 490
Albany, OR 97321-0144

PRESORTED
FIRST CLASS



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12/07/2012

Mailed From 97302
US POSTAGE

DEPT OF

DEC 10 2012

Attn: Plan Amendment Specialist

Dept. of Land Conservation & Development

LAND CONSERVATION
AND DEVELOPMENT

635 Capitol St. NE, Suite 150

Salem, OR

97301-2540

9730192564

