



## PUBLIC WORKS - COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | PLANNING 541-917-7550

# AMENDMENTS

Comprehensive Plan Map or Text

Comprehensive Plan and Zoning Map

### Information and Instructions

- ⊕ See fee schedule for filing fees (*subject to change every July 1*): Varies; staff will contact you for payment after submittal.
  - Comprehensive Plan amendment **without** a concurrent zoning map amendment
  - Comprehensive Plan amendment **with** a concurrent zoning map amendment
  - Comprehensive Plan text amendment
- ⊕ All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- ⊕ Depending on the complexity of the project, paper copies of the application may be required.
- ⊕ Before submitting your application, please check the following list to verify you are not missing essential information. An incomplete application will delay the review process.

### Amendment Submittal Checklist

- Planning application form with authorizing signatures**
- Review Criteria.** On a separate sheet of paper, prepare detailed written responses using factual statements (called findings of fact) to explain how the Amendment complies with each of the following review criteria.

For Comprehensive Map Changes:

The applicant must provide at least one finding of fact statement for each applicable Comprehensive Plan Review Criteria 1 through 3 listed below. Please provide these findings of fact on an attached sheet of paper (see example on page 5).

[NOTE: Corrections to the Comprehensive Plan map may be reviewed by the Director administratively as outlined at ADC 2.225.]

For Comprehensive and Zoning Map Changes:

Because this is for changes for two different maps, there are two sets of review criteria to be addressed. There must be at least one finding of fact statement for each applicable Comprehensive Plan Review Criteria 1 through 3 **and** one finding of fact statement for each Zoning Map Criteria 1 through 6 below. Please provide these findings of fact on an attached sheet of paper (see example on Attachment A).

### Comprehensive Plan Map Amendment Review Criteria (ADC 2.220):

1. A legislative amendment is consistent with the goals and policies of the Comprehensive Plan, the statewide planning goals, and any relevant area plans adopted by the City Council.
2. A legislative amendment is needed to meet changing conditions or new laws.
3. The requested designation for a quasi-judicial map amendment meets all of the following tests:
  - a) The requested designation for the site has been evaluated against relevant Comprehensive Plan policies and on balance has been found to be more supportive of the Comprehensive Plan as a whole than the old designation.
  - b) The requested designation is consistent with any relevant area plans adopted by the City Council.
  - c) The requested designation is consistent with the Comprehensive Plan Map pattern.
  - d) The requested designation is consistent with the Statewide Planning Goals.

### Zoning Map Amendment Review Criteria (ADC 2.740): (see compatibility matrix at ADC 2.760)

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 that are 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 within 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.

**Legal Description.** Submit with the application a closing metes and bounds legal description or subdivision lot and block number description for the subject property(s). Multiple properties proposed for an amendment to the existing map designation(s) must be combined into a single legal property description.

*Note: Some properties may have covenants or restrictions, which are private contracts between neighboring landowners. These frequently relate to density, minimum setbacks, or size and heights of structures. While these covenants and restrictions do not constitute a criterion for a City land use decision, they may raise a significant issue with regard to the City's land use criteria. It is the responsibility of the applicant to investigate private covenants or restrictions.*

### Supplemental Application Information

Proposal: Change the Comprehensive Plan map designation from \_\_\_\_\_ to \_\_\_\_\_

Proposal: Change the Zoning map designation from \_\_\_\_\_ to \_\_\_\_\_

Proposal: Change the text of the Comprehensive Plan at \_\_\_\_\_

Legal description: Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
or if applicable, attach metes and bounds description(s).

Location generally of subject property(s), e.g. "NE corner of Elm St. and 6th Ave." \_\_\_\_\_

\_\_\_\_\_

Total land area involved \_\_\_\_\_

Current use(s) of the property(s) \_\_\_\_\_

Are there any existing structures on the site? \_\_\_\_\_

**If yes**, will any of these structures be removed? \_\_\_\_\_

(Before you demolish or remove any structure, you must obtain a demolition/moving permit from the City of Albany Building Division.)

**Historic:** Are there any historic structures or historically significant features as identified on the City’s Historic Inventory?  
Yes \_\_\_\_\_ No \_\_\_\_\_ (This information may be obtained at the Planning Division.)

**If yes**, what are they and how will they be affected by the proposed change? \_\_\_\_\_

\_\_\_\_\_

Is there another concurrent application to develop the subject property(s) (e.g. Site Plan Review or Conditional Use application)?

\_\_\_\_\_

**If yes**, briefly describe \_\_\_\_\_

Are public facilities, including streets, available today to serve the property(s)? \_\_\_\_\_

**If No**, describe what public and/or private facilities will need to be brought up to City standards:

\_\_\_\_\_

Indicate at what level (i.e., size of sanitary sewer, storm sewer, street width, etc.) of public facilities would be needed to serve the proposed property(s). Also indicate the approximate dates when these public facilities will be needed.

Streets: Size \_\_\_\_\_ Approximate date needed \_\_\_\_\_

Sanitary Sewer: Size \_\_\_\_\_ Approximate date needed \_\_\_\_\_

Storm Sewer: Size \_\_\_\_\_ Approximate date needed \_\_\_\_\_

Power and water: Size \_\_\_\_\_ Approximate date needed \_\_\_\_\_

Streets: \_\_\_\_\_

## Comprehensive/Zoning/Text Amendments – Purpose and Procedure

The Comprehensive Plan (Plan) is the City’s controlling land-use document, guiding public and private activities that affect Albany’s growth, development, and livability. The Plan is flexible and reflects changing circumstances and community attitudes through occasional amendments. The Albany Development Code (ADC) provides a process for amending the Plan without violating its integrity or frustrating its purpose. This process applies to proposed changes to the Plan map designations, text, and the Urban Growth Boundary.

A Pre-application meeting is held for all applications unless the Community Development Director determines one is not necessary. The meeting provides for an exchange of information about ADC and Plan requirements and offers technical and design assistance to the applicant.

There are two types of amendments: (1) “legislative,” which means that the proposed changes affect a large number of persons, properties, or situations and are applied over a large area, and (2) “quasi-judicial,” which means the proposed changes are limited to a few specific properties. Typically, legislative amendments are only initiated by the City and not an individual. If the Director determines an application for an amendment is legislative in nature, it will be reviewed through the legislative process outlined in ADC 1.580–1.660 of the ADC. A quasi-judicial amendment application is reviewed through the Type IV procedures as outlined beginning at ADC 1.370. Area-specific amendments, including map amendments outside the City limits, are processed in accordance with the City-County Urban Growth Management Agreement.

The applicant must submit a closing metes and bounds legal description or subdivision lot and block number description for the subject property. Multiple properties proposed for an amendment to the existing map designation(s) must be combined into a single legal property description.

If the Hearings Board or Planning Commission recommends approval on this application, the City Council will then hold another public hearing on the application and make the final decision. If the Hearings Board or Planning Commission denies this application, it will only be considered by the City Council on appeal by the applicant. A City Council decision may be appealed to the Land Use Board of Appeal (LUBA) (see ADC 1.5.20).

## Example of Findings of Fact

### Criteria for Findings of Fact

A Comprehensive Plan (and concurrent Zoning) Map Amendment will be approved if the approval authority finds the application conforms with the criteria found in Sections 2.220 and 2.740 of the Albany Development Code. Before the reviewing authority can approve an application, the applicant must submit information that adequately supports the application. If the applicant submits insufficient or unclear information, the application will be denied or delayed.

### Format for Findings of Fact

Statements addressing EACH individual criterion must be in a “finding of fact” format. A finding of fact consists of two parts:

- 1) Factual information such as the distance between buildings, the width and type of streets, the particular operating characteristics of a proposed use, etc. Facts should reference their source: on-site inspection, a plot plan, City plans, etc.
- 2) An explanation of how those facts result in a conclusion supporting the criterion.

### Example

**Criterion:** Existing or anticipated transportation facilities are adequate for uses that are permitted under the proposed zone designation.

**Fact:** The property is adjacent to an existing arterial street and a proposed arterial would be adjacent to the property on the south.

**Conclusion:** Having high density residential adjacent to major streets can reduce energy needs by encouraging the use of public transit [Plan Policy 7, page 94], and provide a buffer between major streets and less dense residential areas [Plan Policy 14, page 95].”