



COMMUNITY DEVELOPMENT

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

Adjustment

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See schedule for filing fee (*subject to change every July 1*); staff will contact you for payment after submittal.
- All plans and drawings must be to scale, and review criteria responses should be provided as specified in this checklist.
- Email all materials to cd.customerservice@cityofalbany.net. Please call 541-917-7550 if you need assistance.
- 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.

ADJUSTMENT 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 Adjustment complies with each of the following review criteria. Each criterion must have at least one finding of fact and conclusion statement. **The applicant should address either A or B, whichever is applicable.**

A. Regular Adjustment Application Criteria (Article 2.080)

1. Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and
2. The proposal will be consistent with the desired character of the base zone; and
3. Any negative impacts resulting from the Adjustment are mitigated to the extent practical; and
4. The proposal will not significantly detract from the livability or appearance of the surrounding area; and
5. If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which still meets criteria (1) through (4), above.

Setback adjustments for bathroom retrofits are addressed in Section 3.263.

SITE PLAN. To determine whether the Adjustment application complies with Development Code standards, staff will need an accurate site plan, drawn to scale. In a scale large enough to clearly show the Adjustment, include the following information:

- Address of the site.
- Assessor's map and tax lot number.
- Scale of drawing, north arrow, and name of drafter.
- Property dimensions including the total square footage of the site.
- Location of all existing and proposed structures, including distances to property lines.

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- Location of all existing or proposed improvements on the site, including driveways, sidewalks, and patios.
- Location of any special purpose districts on the property (Airport Approach, Floodplain, Hillside Development, Riparian Corridor, Significant Wetland, Habitat Assessment, Willamette River Greenway, Historic District).
- Location of any natural or unique features of the property, including native vegetation type, location, and size.
- Abutting streets, whether public or private.
- Locations, dimensions, and nature of all easements on the property.

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.

OTHER PLANS PERMITS OR INFO THAT MAY BE REQUIRED

- FLOODPLAIN DEVELOPMENT PERMIT.** If any of the property is within the Floodplain Development (/FP) overlay, refer to Development Code Articles 6.070-6.125 to determine if the Floodplain Development standards apply and if a Floodplain Development Permit is required.
- NATURAL RESOURCE IMPACT REVIEW.** If any of the property is within one of Albany's Significant Natural Resource (/SW, /RC, /HA) overlay districts, refer to Development Code Articles 6.260-6.310 to determine if a Natural Resource Impact Review may be required.
- MITIGATION PLAN.** If the project is proposed within any of Albany's Significant Natural Resources overlay districts (/SW, /RC, /HA), a mitigation plan may be required. See ADC Articles 6.400 - 6.420 or the Mitigation Supplement.
- GEOTECHNICAL HILLSIDE DEVELOPMENT REPORT.** If any of the property is within this Hillside Development (/HD) overlay, refer to Development Code Articles 6.170-6.235 to determine if the /HD standards apply. If applicable, attach written findings of fact that demonstrate how this project meets these standards and provide a geotechnical report on the site.
- HISTORIC REVIEW.** If any property is within a Historic Overlay District or contains a Local Historic Inventory Resource, refer to Article 7 to determine if historic review is required.

ADJUSTMENT PURPOSE AND PROCEDURE

Purpose (ADC 2.060). The Adjustment review process provides a mechanism by which the design standards (Article 8) and buffer screening standards (Article 9) in the ADC may be modified if the proposed development continues to meet the intended purpose of those regulations. Adjustment reviews provide flexibility for unusual situations. They also allow for alternative ways to meet the purposes of the Code.

Procedures (ADC 2.070). Adjustment applications are processed through a Type III procedure, as described in ADC 1.240, requiring notice and a public hearing.

EXAMPLE OF FINDINGS OF FACT

Criteria for Findings of Fact:

An Adjustment will be approved if the Director finds the application conforms with the criteria found in Article 2.080 of the Albany Development Code and with applicable development standards. Before the Director 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 individual criteria 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.

Examples:

Criterion 1: *Granting the Adjustment will equally or better meet the purpose of the regulation to be modified.*

Findings of Fact – “The required setback created by the Pacific Power easement therefore better meets the purpose of the Transition to Lower Density Uses regulation because the transition area between the multiple unit development on the subject property and the anticipated lower-density residential development on applicant’s adjacent parcel will actually be 30% to 46% larger than would be required by Code.”

Conclusion – “The Pacific Power easement provides a larger setback than what the Code requires.”

Criterion 2: *The proposal will be consistent with the desired character of the base zone.*

Findings of Fact: – “Without the requested Adjustment, along the southern segment, the standard ADC 8.270(3) setback for multiple-unit units combined with the effect of the 34-foot-wide power lines corridor, which is primarily on the east side of the property line, will result in minimum distances in the range of 41 feet at the south to 57 feet at the north, due to the combined effect of the standard setback [20 feet for a 20-foot building height per ADC 8.270(3)] added to the width of the 34-foot power lines corridor, on its non-parallel alignment relative to the property line. This unusually large setback would be inconsistent with the intended character of the “urban” and “medium-density” RM zone.”

Conclusion: – “The proposal is consistent with the desired character of the base zone.”