



## COMMUNITY DEVELOPMENT

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

# Development Code Amendment

## Checklist and Review Criteria

### INFORMATION AND INSTRUCTIONS

- See fee schedule for filing fee (subject to change every July 1): staff will contact you for payment after submittal.
- Email all materials to [cd.customerservice@cityofalbany.net](mailto:cd.customerservice@cityofalbany.net). Please call 541-917-7550 if you need assistance.
- 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 (ADC 2.290). Each criterion must have at least one finding of fact and conclusion statement. An application to amend the Development Code may be approved if the City Council finds the application meets the review criteria. (See last page for example findings of fact.)

1. The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.
2. The proposed amendments are consistent with Development Code policies on purpose and with the purpose statement for the base zone, special purpose district, or development regulation where the amendment is proposed.

(This means to specifically identify all applicable policies on purpose and purpose statements in the Development Code and explain how the proposed amendment is consistent with them.)

**PROPOSED AMENDMENT.**

1. Identify all sections of the Development Code that would be amended. \_\_\_\_\_
2. Provide the proposed amendment wording for each of the above sections. (If additional space is needed, this may be provided by attachment to the application.) \_\_\_\_\_

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## AMENDMENT PURPOSE AND PROCEDURE

**Purpose (ADC 2.270).** The Development Code implement the goals and policies of the Comprehensive Plan (Plan), which reflects community values and needs. Because these values may change with time and because new techniques for implementing the Plan may become more appropriate, the Code must have some mechanism for response to those changes. Amendments to the Code should occur as needed to maintain a close relationship between the Development Code and the Comprehensive Plan.

**Procedure (ADC 2.280).** Code amendments shall be processed as a Type IV-L procedure in accordance with the legislative procedures of Section 1.260. Exception: The Director may initiate and approve amendments for the following types of corrections through a Type I procedure: typographical, grammatical, and cross-referencing errors.

**Who May Initiate the Application.** The City Council, Planning Commission, Landmarks Commission, or the Community Development Director may initiate a review on any legislative matter [ADC 1.260(1)]. Also, any property owner or resident of the City may request that the City Council initiate a review of an amendment.

**Review Process.** Development Code amendments are usually under the legislative review process because the regulation would be applied City-wide. Legislative applications are reviewed under the Type IV review process, which means it will have two hearings. The first is before the Planning Commission, who will make a recommendation to the City Council. The second hearing is before the City Council, who makes the final decision. Notice of the hearings is provided in the local newspaper and to the Department of Land Conservation and Development (DLCD).

*This type of application is not subject to the 120-day review time limit of ORS 227.178. Legislative land use decision on a matter not related to periodic review may be appealed to the Land Use Board of Appeals (LUBA).*

## EXAMPLE OF FINDINGS OF FACT

### 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.

### Example:

**Criterion:** The proposed amendments better achieve the goals and policies of the Comprehensive Plan than the existing language.

**Fact:** The Oregon Revised Statutes (ORS) have been changed to facilitate the development of more affordable housing. This would occur by facilitating the development of more housing and more housing options by requiring jurisdictions to allow accessory dwelling units in zones where single family detached homes are allowed.

**Conclusion:** The proposed amendments would facilitate the development of ADUs consistent with state law.