



COMMUNITY DEVELOPMENT

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

Zoning Map Amendment

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (*subject to change every July 1*) (*No concurrent Comprehensive Plan Map amendment*). 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 all essential information is included. An incomplete application will delay the review process.

ZONING MAP AMENDMENT SUBMITTAL CHECKLIST

PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.

REVIEW CRITERIA.

On a separate sheet of paper, prepare a detailed written response using factual statements (called findings of fact) to explain how the proposed Zoning Map Amendment complies with each of the following review criteria (Albany Development Code (ADC) 2.740). Each criterion must have at least one finding of fact and conclusion statement. (See Example Findings of Fact on pages 3 and 4).

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 a single metes and bounds legal description of all properties within the boundary of the proposed zone change.

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

Quasi-Judicial or Legislative

Total land area of the area proposed to be rezoned: _____

Zoning Map designation: Current: _____ Proposed: _____

Existing Comprehensive Plan map designation: _____

Current use of site: _____

Are there any existing structures on the site? _____

If yes, will any of these structures be removed? _____

(Before demolition or removal of any structure, please obtain a demolition/moving permit from the City of Albany Building Division.)

Are there any historic structures or historically significant features as identified on the City’s Historic Inventory?

Yes _____ No _____

If yes, what are they? _____

ZONING MAP AMENDMENT PURPOSE AND PROCEDURE

Purpose (ADC 2.700). This section states the procedures and review criteria necessary to process an amendment to the base zones, special purpose districts, and other map symbols of the Zoning Map. The section differentiates between amendments that are processed in a quasi-judicial manner and those processed in a legislative manner.

Procedure (ADC 2.720). Zoning Map amendments will be reviewed through the Type IV-Q procedures as outlined in Section 1.250 or by legislative action as provided for in Section 1.260. (See below).

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 Development Code and Comprehensive Plan requirements and offers technical and design assistance to the applicant.

Zoning Map Amendment applications are scheduled for a public hearing before either the hearings board or the planning commission at the Director’s discretion. The City notifies all property owners and relevant neighborhood organizations located within 300 feet of the boundary of the proposed amendment. At the Director’s discretion, the notice area may be increased up to 1,000 feet due to land use or transportation patterns or an expected level of public interest. In addition, there are special notice requirements if the zone change request would change the zone of property that includes all or part of a manufactured home park.

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 a Zoning Map Amendment 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).

NOTE: Map corrections only to the Comprehensive Plan map and/or the Zoning map may be reviewed by the Director administratively as outlined at ADC 2.225 and ADC 2.750. This is not the application to submit for a map correction.

TABLE 2.760-1 PLAN DESIGNATION ZONING MATRIX

Comprehensive Plan Designation	Compatible Zoning Districts
Light Industrial	Industrial Park (IP), Light Industrial (LI), Transit District (TD)
Heavy Industrial	Light Industrial (LI), Heavy Industrial (HI)
General Commercial	Neighborhood Commercial (NC), Community Commercial (CC), Regional Commercial (RC), Office Professional (OP)
Light Commercial	Neighborhood Commercial (NC), Office Professional (OP)
Village Center	Historic Downtown (HD), Downtown Mixed Use (DMU), Central Business (CB), Lyon-Ellsworth (LE), Pacific Boulevard (PB), Elm Street (ES), Main Street (MS), Waterfront (WF), Mixed Use Commercial (MUC), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Community Commercial (CC)
Medium Density Residential	Residential Single Unit (RS-5), Residential Medium Density (RM), Residential Medium Density Attached (RMA), Mixed Use Residential (MUR), Office Professional (OP), Neighborhood Commercial (NC)
Low Density Residential	Residential Single Unit (RS-10, RS-6.5, RS-5), Hackleman-Monteith (HM), Residential Reserve (RR), Office Professional (OP), Neighborhood Commercial (NC)
Urban Residential Reserve	Residential Single Unit (RS-10, RS-6.5, RS-5), Residential Reserve (RR), Residential Medium Density Attached (RMA), Residential Medium Density (RM), Mixed Use Residential (MUR), Neighborhood Commercial (NC), Office Professional (OP)
Public and Semi- Public	All zones
Open Space	Open Space (OS)

EXAMPLE OF FINDINGS OF FACT

Criteria for Findings of Fact

A Zoning Map Amendment will be approved if the approval authority finds the application conforms with the criteria found in Section 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.; and
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].”