



Comprehensive Plan/Zoning Map Amendment Application

COMMUNITY DEVELOPMENT DEPARTMENT
Planning Division
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TO BE FILLED OUT BY STAFF

File Nos. CP- _____ ZC- _____

Filing Fee (Fees subject to change every July 1)

Comprehensive Plan (CP-Q)/**with** Zoning Map Amendment (ZC-Q) \$4,324

Date Fee and Application Received: _____ Amount Paid: _____

Receipt No.: _____ Received By: _____

OVERVIEW

The Comprehensive 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 provides a process for amending the Comprehensive Plan without violating its integrity or frustrating its purpose. This process applies to proposed changes to the Comprehensive Plan map designations, text and the Urban Growth Boundary.

A preapplication 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.

If the Director determines an application for a Plan amendment is legislative in nature, the application will be reviewed through the legislative procedures in Section 1.580 – 1.660 of the Development Code. Quasi-judicial applications are reviewed through the Type IV procedures of Section 1.370. Area-specific amendments, including map amendments outside the City limits, are processed in accordance with the City-County Urban Growth Management Agreement.

A decision of the Hearings Board or the Planning Commission to deny an application may be appealed to the City Council within 10 days of the decision. There is an appeal fee. Appeal applications are available from the Community Development Department.

APPLICATION

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.

BASIC INFORMATION ABOUT THE SITE AND PROPOSAL

Briefly describe the request _____

Property address(es) _____

Zoning designation from _____ to _____

Comprehensive Plan designation from _____ to _____

Assessor's Parcel Map No(s). _____ Tax Lot No(s). _____

Legal description: Lot _____ Block _____ Subdivision _____
(Attach metes and bounds description if applicable)

Subject property's location in relation to the nearest streets, such as "NE corner of Elm Street and 6th Avenue" _____

Total land area involved in the request _____

Current use of site _____

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.)

Are there any historic structures or historically significant features as identified on the City's Historic Inventory? Yes _____ No _____

If yes, what are they? _____

(This information may be acquired from the Albany Planning Division.)

What is the anticipated time of development? _____

What additional public facilities and private utilities will be needed for the proposed development? _____

Indicate at what level (i.e., size of sanitary sewer, storm sewer, street width, etc.) these public facilities will be needed to serve the proposed development. 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 _____

REVIEW CRITERIA

There must be at least one finding of fact statement for each applicable Criteria 1 through 4 and one finding of fact statement for Criteria 5 through 9. Please provide these findings of fact on an attached sheet of paper.

Comprehensive Plan Map Amendment Criteria:

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.
4. The Director may initiate a review through the Type I procedure for the types of corrections to the Comprehensive Plan Map listed below:
 - a) The correction may be made for mapping errors such as:

- 1) A map line that was intended to follow a topographical feature does not do so. Topographical features include the tops and bottoms of hillsides, the banks of water bodies, and center lines of creeks or drainage ditches;
 - 2) The line on the map does not match the legal description or map shown or references in the ordinance which applied the designation; or
 - 3) When there is a discrepancy between maps and there is clear legislative intent for where the line should be.
- b) The correction may be made when a map line is based on the location of a reference item that has since been moved. Reference items are rights-of-way, tentative rights-of-way, utility easements and similar items. Map line changes in these cases must not be more than a minor change to the map pattern and must not result in any significant impacts to abutting lots.

Zoning Map Amendment Criteria:

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 in accordance with Section 2.090-2.220.
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. Any unique natural features or special areas involved such as floodplains, slopes, significant natural vegetation, historic district will not be jeopardized as a result of the proposed rezoning.
5. The intent and purpose of the proposed zoning district best satisfies the goals and policies of the Comprehensive Plan.

LIST OF SURROUNDING PROPERTY OWNERS

For a quasi-judicial application, the notification area includes the area to be changed and all tax lots within 300 feet of its boundary [ADC 1.370(2)]. Legislative requests follow Section 1.580 of the Development Code.

- Using the County Tax Assessor’s maps, submit a map that shows the development site and outlines or highlights the notification area. In addition, using the County Tax Assessor database, database, prepare a typed (or clearly printed) list of the names, addresses, and map and tax lot numbers for all tax lots within the notification area.
- At the bottom of the notification list, indicate the name of the preparer, the date the list was compiled, and the source of the information.

APPLICATION AUTHORIZING SIGNATURES

I hereby apply for a Comprehensive Plan/Zoning Map Amendment as requested on this application and certify that the list of attachments is correct, and that the names and addresses of the surrounding property owners are correct as reflected by the latest records in the Linn or Benton County Assessor's Office.

Property Owner(s)

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Signature _____

Authorized Agent or Representative

Authorized agents must submit evidence of their authority to act on the property owner's behalf.

Name (print or type) _____

Current Mailing Address _____

Daytime Telephone No. _____ Fax No. _____

Email (optional) _____

Relationship to property owner(s) _____

Signature of authorized agent _____

ATTACHMENT B

EXAMPLE OF FINDINGS OF FACT

CRITERIA FOR FINDINGS OF FACT:

A Comprehensive Plan/Zoning Map Amendment will be approved if the approval authority finds the application conforms with the criteria found in Sections 2.220 and 2.550 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 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.

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: State fact(s) relating to the question – “The property is adjacent to an existing arterial street and a proposed arterial would be adjacent to the property on the south.”

Conclusion: State 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].”