



PUBLIC WORKS - COMMUNITY DEVELOPMENT

333 Broadalbin Street SW, PO Box 490, Albany, Oregon 97321-0144 | BUILDING 541-917-7553 | 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 plans@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 that the application meets the review criteria.

- (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.) _____



Amendment Purpose and Procedure

The Albany Development Code (Code) is designed to implement the goals and policies of the Comprehensive Plan (Plan), which is a reflection of community values and needs. Because these values may change with time and because new techniques for implementing the Plan may be appropriate, the Code must have some mechanism for response to those changes. Amendments to the Code should occur as needed in order to maintain a close relationship between the Development Code and the Comprehensive Plan.

Who May Initiate the Application. The City Council, Planning Commission, Landmarks Advisory Commission, or the Community Development Director may initiate a review on any legislative matter [ADC 1.580(2)]. Also, any property owner or resident of the City may request that the Planning Commission initiate a review of an amendment.

In the situation of a property owner or resident wanting to propose an amendment, the first step is to schedule a Pre-application meeting with City Planning Staff. If the Director decides not to initiate the amendment, the second step is to submit a request to the Planning Commission to review the proposal and determine whether it warrants processing as a legislative amendment [ADC 1.580 (3)]. This is not a public hearing or a decision on the proposal.

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).