



COMMUNITY DEVELOPMENT

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

Modification of an Approved Site Plan Review (SP) or Conditional Use (CU)

Checklist and Review Criteria

INFORMATION AND INSTRUCTIONS:

- See fee schedule for filing fee (*subject to change every July 1*): determined by Director; 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 applicable information is included. An incomplete application will delay the review process.

MODIFICATION SUBMITTAL CHECKLIST

- PLANNING APPLICATION FORM WITH AUTHORIZING SIGNATURES.**
- SITE PLAN.** The proposed modified site plan must show the site plan as formerly approved, except in the areas where changes are proposed, including reflecting any changes that were identified in the conditions of approval. Clearly outline on the site plan the area where the modifications are proposed.
- ELEVATION DRAWINGS.** If the proposed improvements will result in changes to the approved elevations, new elevation drawings must be submitted for review. Otherwise, the approved elevations will remain in effect.
- DESIGN STANDARDS.** The modified site plan must conform to all applicable Development Code regulations, including the Design Standards found in Article 8 of the Development Code. Include with your submittal which one of the following best describes this proposal:
 - A. Design standards elements have changed.** Submit with the application findings that state what has changed from the approved plan and how the modified plan will comply.
 - B. Not applicable.** Indicate that no changes have been made to the elements of the site plan related to the Design Standards found in Article 8 of the Development Code.
- CONSISTENCY WITH APPROVED SITE PLAN.** The review body will base its determination of consistency on a comparison of the approved site plan with the modified site plan. **Submit a written response addressing each of the following six items** to explain how the proposed modified site plan is consistent with the existing approved plan.
 1. The land use category;
 2. The size and scale of the proposed building(s);
 3. The number of dwelling units;

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4. The traffic and other off-site impacts;
5. Compatibility with surrounding development;
6. Capacity of available infrastructure; and
7. Unusual obstacles and opportunities associated with the property.

GENERAL INFORMATION ABOUT THE SITE AND DEVELOPMENT PROPOSAL.

Submit answers to the following proposal questions (separately or submit this sheet):

City's previous file number for this development: _____

In simple terms, describe how the modified plan is different from the approved site plan. Attach additional sheets if necessary: _____

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.

MODIFICATION – PURPOSE AND PROCEDURE

Property owners, or their authorized agent, may apply to modify a site plan that was granted approval and has not expired, either through the Site Plan Review or Conditional Use process. A request to modify a condition of approval is processed using the procedure assigned to the land use review and the approval criteria for the original land use review (ADC 1.330).

Review Procedure (ADC 1.330 (3) and (4)):

- a. The same review body that granted the final approval will review the proposed modification(s).
- b. The Development Code regulations in effect at the time the application for modification is submitted will be used to review the proposed modification(s).
- c. Only the area proposed to be modified will be reviewed.

A modification shall not be filed (ADC 1.330(5)):

- a. as a substitute for an appeal, or
- b. to seek the reduction or elimination of a condition of approval for infrastructure requirements, or
- c. to provide a new timeline for appealing a previously accepted infrastructure obligation, or
- d. to apply for a substantially new proposal, or
- e. if it would have significant additional impacts on surrounding properties.

If any of the above (a-e) apply, a new application must be filed.

The review body will find the modified site plan consistent with the approved site plan if they determine there are no greater adverse impacts, or, if additional impacts are identified, they have been adequately mitigated.

The review body may modify conditions of the original approval or impose new ones. Only conditions related to the impact of the modified site plan may be imposed on the modified site plan. "Impact" means characteristics of the development such as traffic, wastewater discharge, noise, etc.