



# CITY OF LEBANON

*It's easier from here.*

## **Lebanon Municipal Code Title 16: Development Code**

### **Article Four: Land Use and development Reviews, Decision Requirements and Procedures**

## **Chapter 16.24: Modifications to Approved Plans and Conditions of Approval**

### **Table of Contents**

16.24.010 Purpose.....	1
16.24.020 Applicability .....	1
16.24.030 Acceptable Modification Requests – Initial Review.....	1
16.24.040 Modification Applications and Approval Criteria.....	2

**Adopted by City Council on  
December 10, 2008**

CITIZEN SERVICES & DEVELOPMENT CENTER

925 Main Street • Lebanon, Oregon 97355 • 541.258.4906 • 541.258.4955 Fax • [www.ci.lebanon.or.us](http://www.ci.lebanon.or.us)

## **Chapter 16.24: Modifications to Approved Plans and Conditions of Approval**

### **16.24.010 PURPOSE**

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans.

### **16.24.020 APPLICABILITY**

- A.** This Chapter applies to all development applications approved through the provisions of Chapters 16.21 – 16.23 and 16.31 of this Code, including: Conditional Uses; Subdivisions, Partitions, and Property Line Adjustments; Planned Developments; Historic Preservation Reviews, and Conditions of Approval on any of the above permit types, as well as applications approved by an “OP,” “MR” or “AR” review process (see Chapters 16.05 – 16.11, and 16.20).
- B.** This Chapter does not apply to Comprehensive Plan and/or Map Amendments, Zoning Map Amendments, Land Development Code Text Amendments, Annexations, Urban Growth Boundary Amendments, or other permits not listed in Subsection 16.24.020.A immediately above.

### **16.24.030 ACCEPTABLE MODIFICATION REQUESTS – INITIAL REVIEW**

- A.** The Planning Official reviews the initial Request for a Modification to an Approved Plan and/or and Condition of Approval, and using the criteria listed in Section 16.24.030.B immediately below, determines if it is an Acceptable Modification Request, or if it warrants a full re-application.
- B.** The Modifications to Approved Plans and Conditions of Approval process may be used only if the following threshold criteria are met:
  - 1. The proposed change is NOT a change in land use.
  - 2. The proposed change does NOT result in an increase in the overall impacts to adjacent properties, nor in an increase in the amount of operational activity on the subject property.
  - 3. The proposed change does NOT violate the applicable development standards in the land use zone (see LDC Chapters 16.05 – 16.11 and 16.12 – 16.19).
  - 4. The proposed change does not result in a change to lot or parcel boundary lines in an approved subdivision, partition, or property line adjustment.
- C.** Proposed changes that do not meet the above conditions require a resubmittal as an entirely new land use application under the applicable provisions of Chapters 16.20 – 16.24 and 16.29 – 16.31 of this Code.

## 16.24.040 MODIFICATION APPLICATIONS AND APPROVAL CRITERIA

- A. Following a determination by the Planning Official that the proposed modification is an Acceptable Modification Request (see Section 16.24.030), the applicant shall submit an appropriate application form, filing fee, narrative, and a site plan using the same plan format as in the original approval. The Request must clearly and unequivocally describe the proposed change or modification in its entirety. The Planning Official may require other relevant information, as necessary, to evaluate the Request.
- B. As shown in Figure 16.24-1, the Modification Application shall be subject to the same review procedure (Ministerial Review, Administrative Review or a Public Hearing), decision making authority, and approval criteria used for the initial project approval.
- C. The scope of review shall be limited to the specifics of the Modification Request. For example, a request to modify a parking lot shall require a review only of the proposed parking lot and any changes to associated access, circulation, pathways, lighting, trees, and landscaping, and so on.
- D. Notice and public testimony shall be provided in accordance with the provisions of Chapter 16.20.
- E. The decision making authority shall approve, deny, or approve with conditions an Application for a Modification based on written findings on the decision criteria and any additional information submitted by the applicant in support of the modification. Upon approval, the modified plan and/or conditions of approval immediately supersedes the previous approval.

