

CHAPTER 15 - AMENDMENTS

15.000 GENERAL

15.010 Action under This Code.

- A. Amendments to the Comprehensive Land Use Plan text, Comprehensive Land Use Plan Map, Development Code text, and Zoning District Map shall be processed as a Type IV legislative or quasi-judicial procedure.
- B. Amendments to the Comprehensive Land Use Plan and Development Code text shall be processed as a legislative procedure. These types of amendments may be initiated in any one of the following ways:
 1. By motion of the City Council.
 2. By motion of the Planning Commission.
 3. Private citizens or groups may recommend specific Comprehensive Land Use Plan or Development Code text changes to either the City Council or Planning Commission, but may not initiate a change to either text.
- C. Amendments to the Comprehensive Land Use Plan or Zoning District Maps involving more than four separate ownerships, or more than 15 acres of land, shall be processed as a legislative procedure. These types of map amendments may be initiated in any one of the following ways:
 1. By motion of the City Council.
 2. By motion of the Planning Commission.
 3. By property owners or persons purchasing property under contract filing an application with the City.
- D. Amendments to the Comprehensive Land Use Plan or Zoning District Maps involving four or fewer separate ownerships, or 15 or less acres of land, shall be processed as a quasi-judicial procedure. These types of map amendments may be initiated in any one of the following ways:
 1. By motion of the City Council.
 2. By motion of the Planning Commission.
 3. By property owners or persons purchasing property under contract filing an application with the City.
- E. Amendments may be considered at any time, and may follow or be in conjunction with other amendments. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.020 Hearing Notice.

- A. Legislative Type IV Procedure. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property. Where such mailing or posting is omitted, the Director shall prepare a notice program designed to reach persons believed to have a particular interest, and to provide the general public with a reasonable opportunity to be aware of the hearings on the proposal.
- B. Quasi-Judicial Type IV Procedure. Notice of a hearing on a quasi-judicial decision shall include a mailing to property owners and a posting of property affected by the decision. Notice shall be in conformance to Chapter 16, Public Deliberations and Hearings, of this code and applicable state law. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.030 Arguments on Policy. In addition to matters pertaining to compliance with criteria and consistency with the Comprehensive Land Use Plan, a person may provide information and opinion regarding the desirable policy of the City relevant to the proposed legislative matter. [Adopted by Ord. 550, ef. 9/25/90]

15.040 Information at Planning Commission Hearing. The Planning Commission shall afford an interested person the opportunity to submit written recommendations and comments in advance of the hearing and this information shall be available for public inspection. At the hearing, written recommendations and other information will be received and oral statements will be permitted. [Adopted by Ord. 550, ef. 9/25/90]

15.050 Planning Commission Recommendation. In preparing its recommendation, the Planning Commission shall evaluate the proposal based on the following criteria:

- A. Approval Criteria - Text Amendment. The following criteria shall be used to review and decide amendments to the text of the Comprehensive Land Use Plan or Development Code:
 - 1. For Comprehensive Land Use Plan text amendments, compliance with the Statewide Land Use Goals and related administrative rules.
 - 2. Public need is best satisfied by this particular change.
 - 3. The change will not adversely affect the health, safety, and welfare of the community.
 - 4. In the case of Development Code amendments, the particular change does not conflict with applicable Comprehensive Land Use Plan goals or policies.
- B. Approval Criteria – Comprehensive Land Use Plan Map Amendment. The following criteria shall be used to review and decide both legislative and quasi-judicial Comprehensive Land Use Plan Map amendments:
 - 1. Compliance with applicable Statewide Land Use Planning Goals.

2. Consistency with the applicable goals and policies of the Comprehensive Land Use Plan.
 3. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation, and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands.
 4. The Plan provides more than the projected need for lands in the existing land use designation.
 5. Uses allowed in the proposed designation will not significantly adversely affect existing or planned uses on adjacent lands.
 6. Public facilities and services necessary to support uses allowed in the proposed designation are available, or are likely to be available in the near future.
- C. Approval Criteria - Zoning District Map Amendment. The following criteria shall be used to review and determine both legislative and quasi-judicial Zoning District Map amendments:
1. The proposed zone is appropriate for the Comprehensive Land Use Plan land use designation on the property, and is consistent with the description and policies for the applicable Comprehensive Land Use Plan land use classification.
 2. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
 3. Adequate public facilities, services, and transportation networks are in place, or are planned to be provided concurrently with the development of the property.
 4. The amendment will not interfere with the livability, development, or value of other land in the vicinity of site-specific proposals when weighed against the public interest in granting the proposed amendment.
 5. The amendment will not be detrimental to the general interest of the community. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 638, ef. 2/23/96]

15.060 City Council Action.

- A. The City Council may limit the nature of the information it will receive at a hearing and may establish separate rules for consideration of each of the following:
1. Compliance with the Comprehensive Land Use Plan.
 2. Appropriateness of the legislative process.

3. Recommended action by the Commission including any policy changes or refinements proposed.
- B. After confirming, amending, or reversing the recommendations of the Planning Commission, the City Council may take any of the following steps:
1. Enact or defeat an ordinance on all or part of the proposal under consideration. In taking this step, it shall not be necessary to segregate incidental results that might have been possible to accomplish by administrative action.
 2. If the ordinance is defeated, but some or all of the proposal is found appropriate for administrative processing, the City Council may either act on the matter by the appropriate administrative procedure or refer the matter to the Planning Commission for such action. Unless different notice would be required under the provisions of this code for the Type II, III, or IV administrative action, no further hearing is necessary for the City Council to take administrative action. If different notice is appropriate, or if the matter is referred to the Planning Commission for a decision or recommendation, an additional hearing shall be held.
 3. Refer some or all of the proposal back to the Planning Commission for further consideration. If such referral is subsequently returned, no further hearing need be conducted if the proposal is processed under the City procedure for ordinance enactment.
- C. The City Council may take final action on a proposed amendment to the Zoning District Map by order rather than by ordinance. [Adopted by Ord. 550, ef. 9/25/90; Amended by Ord. 653, ef. 9/12/97]
- 15.130 Limitation on Reapplication. No application of a property owner for a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Map amendment shall be considered within the one-year period immediately following a denial of a request for the same property. The hearing body may permit a new application upon making a determination that there is new evidence or a change in circumstances. [Adopted by Ord. 550, ef. 9/25/90]
- 15.140 Effective Date of Text and Map Amendments. All text and map amendments shall take effect 30 days after the date of approval, unless an emergency is declared or a decision is appealed. [Adopted by Ord. 550, ef. 9/25/90]
- 15.150 Updating the Comprehensive Land Use Plan Map and Zoning District Map. It shall be the responsibility of the Director to keep these maps and to make necessary alterations to keep maps up-to-date and current. A copy of all maps, as adopted on or prior to the effective date of this code, shall be retained for reference. Alterations shall be made within 30 days of the effective date of an action authorized by this code that alters a boundary of a zoning district or plan designation, or changes the zoning or plan designation on a parcel or parcels. If a discrepancy is found between the map and a record of the action, the record of the action shall prevail. [Adopted by Ord. 550, ef. 9/25/90]

15.160 Notice of Amendments under Type IV Legislative Procedures.

- A. The City Council shall conduct a hearing to review all land use regulations and Plan amendments as required by OAR Chapter 660, Division 18, Plan and Land Use Regulation Amendment Review Rules.
- B. The hearing shall occur not less than 45 days after notice of the hearing and a copy of the proposal under consideration has been delivered to the Director of the State Department of Land Conservation and Development. The proposal shall contain the text and any supplemental information that City officials believe necessary to inform the Director of the effect of the proposal.
- C. Upon adoption of a Development Code text, Zoning District Map, Comprehensive Land Use Plan text, or Comprehensive Land Use Plan Map amendment, a copy of the text and/or map together with appropriate findings of fact, shall be mailed or otherwise submitted to the Director of the State Department of Land Conservation and Development within five working days after the City Council has taken final action, including adoption of any necessary documentation. If the adopted text differs in substance from the text and/or map submitted previously, the nature of the changes shall be described and submitted with the text.
- D. Participants in the proceedings leading to a land use plan or code amendment who make a written request to receive notice shall be sent notice within five working days of the final decision. The notice shall include the date of the decision, describe the action taken, and list procedures for reviewing and submitting written objections to the findings and/or decision made. [Adopted by Ord. 550, ef. 9/25/90]