

Chapter 16.200
Comprehensive Plan & Zoning Amendments

16.200.000 Purpose and Scope

Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes or to address changes in the law. The purpose of this chapter is to describe the general requirements and criteria to be considered in reviewing an application for an amendment to the Comprehensive Plan or this Ordinance. An amendment may be made to the text of the Comprehensive Plan or this Ordinance or to the Comprehensive Plan Map or Official Zoning Map. An amendment may be processed in either a legislative or quasi-judicial manner, as follows:

A. Legislative Amendments

Legislative amendments may only be made for the establishment of policy. Such an amendment may be initiated only by the City Council or the Planning Commission. An owner of land may submit an application to the City Council or Planning Commission to initiate the amendment by making such an application.

Such amendments shall be made only by the Council after review and recommendation by the Planning Commission and after public hearings have been held pursuant to the Application Review section of this Ordinance.

B. Quasi-Judicial Amendments

Quasi-judicial amendments may only be made for the application of established policy to specific properties in the City. Quasi-judicial amendments may be initiated by the property owner or owners, a contract purchaser or an agent authorized by the property owner or owners; by the Planning Commission; or, by the City Council. All quasi-judicial amendments shall be subject to the public notice requirements and public hearing requirements of the Application Review section of this chapter.

16.200.010 Application and Fee

An application for an amendment shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this section.

16.200.015 Review Criteria

A. Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

1. Impact of the proposed amendment on land use and development patterns within the city, as measured by:
 - A. Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);
 - B. Demand for public facilities and services, in compliance with the City utility master plans;
 - C. Level of park and recreation facilities;
 - D. Economic activities;
 - E. Protection and use of natural resources;
 - F. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.
2. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.
3. The amendment is appropriate as measured by at least one of the following criteria:
 - A. It corrects identified error(s) in the provisions of the plan.
 - B. It represents a logical implementation of the plan.
 - C. It is mandated by changes in federal, state, or local law.
 - D. It is otherwise deemed by the City Council to be desirable, appropriate, and proper.
4. Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with

Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. “Significant” means the proposal would:

- A. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a “collector” street classification, requiring a change in the classification to an “arterial” street as identified by the City’s Transportation System Plan (TSP); or
 - B. Change the standards implementing a functional classification system; or
 - C. As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or
 - D. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or
 - E. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.
5. Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:
- A. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
 - B. Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement , or service will be provided by the end of the planning period; or

- C. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or
 - D. Amending the planned function, capacity or performance standards of the transportation facility; or
 - E. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.
6. Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:
- A. The amendment does not include property located in an interchange area, as defined under applicable law;
 - B. The currently planned facilities, improvements or services are not adequate to achieve the standard;
 - C. The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and
 - D. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

B. Map Amendment

An amendment to the Comprehensive Plan Map or Official Zoning Map may be authorized, provided that the proposal satisfies all applicable requirements of this Ordinance, and provided that the applicant demonstrates the following:

1. That the proposed amendment is consistent with the goals and policies of the Comprehensive Plan;
2. The purpose statement of the proposed zone can be met and the uses permitted in the proposed zone can be accommodated on

the proposed site without exceeding its physical capacity. Allowed uses in the proposed zone can be established in compliance with the development requirements of the Code;

3. That the proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve the proposed uses or other potential uses in the proposed zoning district; and
4. That the amendment conforms to the Transportation Planning Rule provisions under this Chapter 16.200.015 subsection 5.

16.200.020 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

16.200.025 Conditions

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.