

## Chapter 15 – Amendments

### 15.005 Action under This Code.

- A. Amendments to the Comprehensive Plan, Comprehensive Land Use Plan Map, Zoning District Map, and Development Code text shall be processed as a Type IV legislative procedure or Type III quasi-judicial procedure, as appropriate. 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.
  - 4. Type III quasi-judicial plan amendments and zone changes also may be initiated by the property owner as provided in Chapter 2
- B. Amendments may be considered at any time, and may follow or be in conjunction with other amendments.

### 15.010 Hearing Notice.

- A. Legislative Type IV Procedure. Except where required by law, 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 III 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 2 of this Code and applicable state law.

### 15.015 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.

### 15.020 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.

- 15.025 Planning Commission Recommendation. Applications for amending the Comprehensive Plan, Comprehensive Plan Land Use Map, Zoning District Map, and Development Code text shall be subject to review by and receive a recommendation from the Planning Commission to the City Council for final action. Recommendations shall be based on the applicable approval criteria identified in Chapter 6 (Applications).
- 15.030 City Council Action.
- A. The City Council shall conduct a de novo hearing for Type IV applications and shall base its decision on the same decision criteria considered by the Planning Commission.
  - 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, or III 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 remanded to the Planning Commission for a decision or recommendation, an additional hearing shall be held.
    - 3. Remand some or all of the proposal back to the Planning Commission for further consideration. If such remand 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.
- 15.035 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 (1) 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.
- 15.040 Effective Date of Text and Map Amendments. All text and map amendments shall take effect thirty (30) days after the date of approval, unless an emergency is declared or a decision is appealed.

- 15.045 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 thirty (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.
- 15.050 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 thirty-five (35) 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 and not less than forty (40) days after notice of the hearing and a copy of the proposal under consideration has been delivered to Metro. 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 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 (5) 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 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 (5) 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 or decision made.