

## **Chapter 4.7 Land Use District Map and Text Amendments**

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### **4.7.100 Purpose.**

The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as “map and text amendments.” 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.

### **4.7.200 Legislative Amendments.**

Legislative amendments are policy decisions made by Town Council. They are reviewed using the Type IV procedure in Section 4.1.600 and shall conform to Section 4.7.600, as applicable.

### **4.7.300 Quasi-Judicial Amendments.**

**A. Quasi-Judicial Amendments.** Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure, as governed by Section 4.1.500, using standards of approval in Section 4.7.300.B. The approval authority shall be as follows:

1. The Planning Commission shall review and recommend land use district map changes that do not involve comprehensive plan map amendments;
2. The Planning Commission shall make a recommendation to the Town Council on an application for a comprehensive plan map amendment. The Town Council shall decide such applications; and
3. The Planning Commission shall make a recommendation to the Town Council on a land use district change application that also involves a comprehensive plan map amendment application. The Town Council shall decide both applications.

**4.7.300 Quasi-Judicial Amendments.** *(continued)*

**B. Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:

1. Approval of the request is consistent with the Statewide Planning Goals;
2. Approval of the request is consistent with the Comprehensive Plan;
3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property; and
4. Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and the provisions of Section 4.7.600, as applicable.

**4.7.400 Conditions of Approval.**

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied.

**4.7.500 Record of Amendments.**

The Town Manager shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use. This shall be located in Chapter 6.1.

**4.7.600 Transportation Planning Rule Compliance.**

**A. Review of Applications for Effect on Transportation Facilities.** When a development application includes a proposed comprehensive plan amendment or land use district change, 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 – “TPR”). “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the Town’s Transportation System Plan (“TSP”); or
2. Change the standards implementing a functional classification system; or

**4.7.600 Transportation Planning Rule Compliance.** *(continued)*

3. Allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or
4. Reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

**B. Amendments That Affect Transportation Facilities.** Amendments to the comprehensive plan and 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 TSP. This shall be accomplished by one of the following:

1. Limiting allowed land uses to be consistent with the planned function of the transportation facility; or
2. Amending the TSP to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirements of the TPR; or,
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.

**C. Traffic Impact Study.** A Traffic Impact Study shall be submitted with a plan amendment or land use district change application. See Chapter 4.10.

**D. Transportation Improvements.**

1. Uses Permitted Outright. Except where otherwise specifically regulated by this ordinance, the following improvements are permitted outright:
  - a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities;
  - b. Installation of improvements within the existing right-of-way;
  - c. Projects identified in the adopted Transportation System Plan as not requiring further land use review and approval;
  - d. Landscaping as part of a transportation facility;
  - e. Removing vegetation and debris in the public right-of-way to maintain clear vision areas as defined in Chapter 3 (3.1.200.N. Vision Clearance);
  - f. Emergency measures;
  - g. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
  - h. Construction of a street or road as part of an approved subdivision or land partition consistent with the applicable land division ordinance.
2. Transportation Uses Subject to Approval
  - a) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to conditional use permit review, which shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an

**4.7.600 Transportation Planning Rule Compliance. (continued)**

Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- 1) The project is designed to be compatible with existing land use patterns, including noise, safety, and zoning.
  - 2) The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - 3) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - 4) Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- b) If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.