

Chapter 4.7 Land Use District Map and Text Amendments

Sections:

- 4.7.100 Amendments - Purpose**
- 4.7.200 Legislative Amendments**
- 4.7.300 Quasi-Judicial Amendments**
- 4.7.400 Approval Authority**
- 4.7.500 Criteria for Legislative & Quasi-Judicial Amendments**
- 4.7.600 Conditions of Approval on Legislative & Quasi-Judicial Amendments**
- 4.7.700 Record of Amendments**
- 4.7.800 Transportation Planning Rule Compliance**

4.7.100 Amendments - 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 City Council. They are reviewed using the Type IV procedure in Section 4.1.500, using standards of approval in Section 4.7.500, and shall conform to the Transportation Planning Rule provisions in Section 4.7.800, as applicable.

4.7.300 Quasi-Judicial Amendments

Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision, and not the adoption of new policy (i.e., through legislative decisions). Quasi-judicial district map amendments shall follow the Type III procedure, as governed by Section 4.1.400, using standards of approval in Section 4.7.500.

4.7.400 Approval Authority

The approval authority for quasi-judicial and legislative amendments shall be as follows:

1. The Planning Commission shall review and decide upon land use district map changes that do not involve comprehensive plan map amendments through a Type III application procedure;
2. The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment through a Type IV application procedure. The City Council shall decide such applications; and

3. The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications through a Type IV application procedure.

4.7.500 Criteria for Legislative & Quasi-Judicial Amendments

A recommendation or a decision to approve, approve with conditions or to deny an application for a legislative amendment or a quasi-judicial land use district map 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 adopted Comprehensive Plan designation, including the Transportation System Plan, for the area;
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 in the planning period;
4. The change is in the public interest with regard to neighborhood or community conditions, or corrects a mistake or inconsistency in the comprehensive plan or land use district map regarding the property which is the subject of the application; and
5. The change is consistent with the function, capacity and performance standards for the streets used for access, consistent with the Cottage Grove TSP, the Oregon Highway Plan, and the Transportation Planning Rule (OAR 660-12); and
6. The amendment conforms to the Transportation Planning Rule provisions under Section 4.7.800.

4.7.600 Conditions of Approval for Legislative & Quasi-Judicial Amendments

A quasi-judicial decision may be for denial, approval, or approval with conditions; conditions shall be based on applicable regulations and factual evidence in the record. A legislative amendment may only be approved or denied.

4.7.700 Record of Amendments

The City Recorder shall maintain a record of amendments to the text of this Code, the comprehensive plan map, and the land use districts map in a format convenient for public use. This shall be located in Chapter 6.

4.7.800 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) and the Traffic Impact Study provisions of Section 4.1.900. “Significant” means the proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a proposal causes future 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
2. Change the standards implementing a functional classification system; or
3. As measured at the end of the planning period identified in the City’s adopted transportation system plan (TSP) allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; or
4. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the City’s transportation system plan (TSP) or elsewhere in this code (see Section 4.1.900); or
5. 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 City’s TSP.

B. Amendments That Affect Transportation Facilities. Except as provided in subsection C, 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. Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or
2. Amending the 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
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

4. Amending the planned function, capacity or performance standards of the transportation facility; or
5. Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

C. Exceptions. Amendments to the Comprehensive Plan or land use regulations with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the City’s transportation system plan (TSP), may be approved when all of the following criteria are met:

1. The amendment does not include property located in an interchange area, as defined under applicable law;
2. The currently planned facilities, improvements or services are not adequate to achieve the standard;
3. Development resulting from the amendment will, 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
4. The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid further degradation to the facility.