

## **CHAPTER 11 REVISIONS PROCESS**

### **A. Intent and Purpose**

The Comprehensive Plan for Wasco County including all urbanizable areas is the primary document which guides and controls land use within Wasco County excluding incorporated areas. The plan is intended to reflect the community's current thoughts on land use planning and to be responsive to the needs and desires of citizens. In order to achieve this, the plan must respond to changing community attitudes and needs and to unforeseen circumstances which may affect the use of land in the future. It is, therefore, the intent of this section to permit the amendments of the Comprehensive Plan on a periodic basis and to describe the procedure for the amendment process.

### **B. A Comprehensive Plan Amendment May Take the Following Forms:**

1. Amendment of one or more policies of the plan.(Legislative)
2. Amendment to the text, inventories, maps or figures of the plan. (Legislative or Quasi-Judicial)
3. Amendment of a portion of the Comprehensive Plan Land Use Designation map. (Legislative or Quasi-Judicial)
4. Amendment to the urban growth boundary. (Legislative or Quasi-Judicial)
5. A combination plan change/zone amendment. (Legislative or Quasi-Judicial)

### **C. Who May Apply For a Plan Revision:**

Comprehensive Plan Revision may be initiated by:

1. Wasco County Governing Body. (Legislative)
2. Planning Commission by majority vote confirmed by the Wasco County Governing Body. (Legislative)
3. Property owner or his authorized representative. (Quasi-Judicial)

### **D. Legislative Revisions**

Legislative revisions include land use changes that have widespread and significant impact beyond the immediate area such as quantitative changes producing large volumes of traffic; a qualitative change in the character of the land use itself, such as conversion of residential to industrial use; or a spatial change that affects large areas or much different ownership. The Planning Commission and County Governing Body shall evaluate the plan as often as necessary to meet changes in the social, economic, or environmental character of Wasco County.

E. Quasi-Judicial Revisions

Quasi-Judicial revisions are those which do not have significant effect beyond the immediate area of the change, i.e., narrow in scope and focusing on specific situations.

Each plan change or revision will first be heard by the Planning Commission on a first-come, first-serve basis. Such hearing shall be conducted in accordance with the Wasco County Planning Commission "Rules and Regulations".

F. Urban Growth Boundary Revisions

Individuals, agencies, or local governments requesting proposed revisions within or to, an urban growth "boundary outside a city limit shall apply to the Wasco County Planning Office. The Wasco County Planning Office will then submit a copy of this application to the city involved. The city involved shall submit to the Wasco County Planning Office a staff report including findings, recommendations, or decisions that the County Planning Commission and County Governing Body can use in making its decision. These reports should be submitted to the County Planning Office at least fourteen(14) days before the County Planning Commission holds its public hearing. The second alternative would be for the city to be represented at the public hearing, to express their views or rebut testimony.

G. Urban Growth Area Management

In the event that any city within Wasco County adopts an urban growth boundary which includes lands beyond their corporate limits, the city and the county shall agree upon a program for the joint management of such lands. The management program shall include provision for the interim management of these lands as well as a coordinated system for open communication between the two bodies. The agreement shall also include a joint system outlining procedures for plan amendments or changes to the Urban Growth Boundary.

H. General Criteria

The following are general criteria which must be considered before approval of an amendment to the Comprehensive Plan is given:

1. Compliance with the statewide land use goal as provided by Chapter 15 or further amended by the Land Conservation and Development Commission, where applicable.
2. Substantial proof that such change shall not be detrimental to the spirit and intent of such goals.
3. A mistake in the original comprehensive plan or change in the character of the neighborhood can be demonstrated.
4. Factors which relate to the public need for healthful, safe and aesthetic surroundings and conditions.

5. Proof of change in the inventories originally developed.
6. Revisions shall be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change must be established.

#### I. Transportation Planning Rule Compliance

1. Review of Applications for Effect on Transportation Facilities - A proposed plan amendment, whether initiated by the County or by a private interest, 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:
  - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  - b. Change standards implementing a functional classification system; or
  - c. As measured at the end of the planning period identified in the adopted transportation system plan:
    - (1) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - (2) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
    - (3) 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 TSP or comprehensive plan.
2. Amendments That Affect Transportation Facilities - Amendments to the land use regulations that significantly affect a transportation facility shall ensure 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 or a combination of the following:
  - a. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  - b. Amending the TSP or comprehensive plan to provide transportation facilities,

improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.

- c. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  - d. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.
3. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a plan amendment application pursuant to Section 4.140 Traffic Impact Analysis (TIA)) of the Land Use and Development Ordinance.

#### J. Procedure for the Amendment Process

1. A petition must be filed with the Planning Offices on forms prescribed by the Director of Planning.
2. Notice of a proposed revision within, or to, the urban growth boundary will be given to the appropriate city at least thirty (30) days before the County public hearing.
3. Notification of Hearing:
  - (1) Notices of public hearings shall summarize the issues in an understandable and meaningful manner.
  - (2) Notice of a legislative or judicial public hearing shall be given as prescribed in ORS 215.503. In any event, notice shall be given by publishing notice in newspapers of general circulation at least twenty (20) days, but not more than forty (40) days, prior to the date of the hearing.
  - (3) A quorum of the Planning Commission must be present before a public hearing can be held. If the majority of the County Planning Commission present cannot agree on a proposed change, the Commission will hold another public hearing in an attempt to resolve the difference or send the proposed change to the County Governing Body with no recommendation.
  - (4) After the public hearing, the Planning Commission shall recommend to the County Governing Body that the revision be granted or denied, and the facts and reasons supporting their decision. In all cases the Planning Commission shall enter findings based on the record before it to justify the decision. If the Planning Commission sends the proposed change with no recommendation, the findings shall reflect those items agreed upon and those items not agreed upon that resulted in no recommendation.

(5) Upon receiving the Planning Commission's recommendation, the County Governing Body shall take such action as they deem appropriate. The County Governing Body may or may not hold a public hearing. In no event shall the County Governing Body approve the amendment until at least twenty (20) days have passed since the mailing of the recommendation to parties.

K. Appeals

The decision of the County Governing Body will be final unless appealed to a higher court.

L. Review

In any event, the Comprehensive Plan and implementing Ordinances shall be reviewed as often as necessary if the Planning Commission and County Governing Body finds that there are compelling reasons to justify such change, i.e., criteria listed in Section H. A public statement will be issued by the Planning Commission and/or County Governing Body on whether any revision is needed.