

CHAPTER 115

COMPREHENSIVE PLAN AMENDMENTS

- 115.010. Purpose
- 115.020. Definitions
- 115.030. Procedures for Non-Legislative Plan Amendments
- 115.040. Procedures for Legislative Plan Amendments.
- 115.050. Criteria for Non-Legislative Plan Amendments
- 115.060. Criteria for Legislative Plan Amendments

115.010. PURPOSE. To provide clear and objective criteria and procedures to receive and process a request for a comprehensive plan amendment.

115.020. DEFINITIONS. A comprehensive plan amendment is any amendment to the Polk County Comprehensive Plan which deletes, supplements, or changes the text, land use map designations, or urban growth boundaries.

- (A) A non-legislative comprehensive plan amendment is a comprehensive plan amendment initiated by the affected property owners that includes either: (1) a change to the land use designation for one or more properties, (2) a text amendment that demonstrates why the building(s) for a specific commercial use defined by the Zoning Ordinance as “small-scale, low impact”, within an unincorporated community, should exceed 4,000 square feet in size; or (3) a text amendment that demonstrates why the building(s) for a specific industrial use defined by the Zoning Ordinance as “small-scale, low impact”, within an unincorporated community, should exceed 10,000 square feet in size;

An amendment to an adopted urban growth boundary which is non-legislative in nature may be initiated by a property owner(s) who request inclusion in or exclusion from the urban growth boundary, subject to any applicable comprehensive plan or intergovernmental agreement pertaining to the urban growth boundary and urbanizable land.

- (B) A legislative comprehensive plan amendment is all comprehensive plan amendments other than non-legislative amendments, initiated by the Board of Commissioners or the Planning Commission. A legislative amendment to an adopted urban growth boundary may be initiated by Polk County or by the affected city as specified by any applicable comprehensive plan or intergovernmental agreement pertaining to the urban growth boundary and urbanizable land. [Amended by Ordinance #00-03, dated May5, 2000]

115.030. PROCEDURES FOR NON-LEGISLATIVE PLAN AMENDMENTS. The application shall be processed as follows.

- (A) Property owners, or persons purchasing property under contract, if they state in writing that they are purchasing the property under contract, may file a plan amendment petition. The petition shall be in writing on forms provided by the Planning Director and shall be filed with the Planning Division not less than 45 days prior to the date of the hearing. The petition shall contain the following information:
 - (1) The present comprehensive plan designation;
 - (2) The proposed comprehensive plan designation;
 - (3) The street address, or where none exists, the location of the property;
 - (4) The legal description of the property sought to be reclassified;
 - (5) The names, addresses and zip codes of the owner(s) of the property sought to be reclassified; and
 - (6) The signatures of the property owners for the area to be reclassified.
- (B) The Hearings Officer shall hold a public hearing as prescribed in Chapter 111 on the complete petition for a plan amendment. After concluding this hearing, the Hearings Officer shall prepare a report setting forth a summary of facts and conditions involved in the plan amendment and submit the same, together with a recommendation to the Board of Commissioners.
- (C) The Board of Commissioners shall hold a public hearing on the proposed plan amendment as provided in Chapter 111. Final decision by the Board of Commissioners shall not be effective until 21 days after mailing of the decision. Filing of an appeal to the Land Use Board of Appeals stays all proceedings by all

parties in connection with the matter appealed until the appeal has been resolved. Any plan amendment or reclassification of property shall be by ordinance which shall be passed by the Board of Commissioners. Any denial of a proposed plan amendment shall be by order.

115.040. PROCEDURES FOR LEGISLATIVE PLAN AMENDMENTS.

- (A) Legislative amendments may be initiated by the Board of Commissioners or Planning Commission. An interested party may request that the Planning Commission or Board initiate a legislative amendment. Legislative amendments shall only be initiated by the Board or Planning Commission after findings are made that the proposed change is in the public interest and will be of general public benefit. In the case of a legislative amendment to an adopted urban growth boundary, the amendment may be initiated by Polk County or by the affected city as specified in any applicable comprehensive plan or intergovernmental agreement pertaining to the urban growth boundary and urbanizable land.
- (B) After a legislative amendment has been initiated, the Planning Commission shall hold a public hearing as prescribed in Chapter 111 on the complete petition for plan amendment. After concluding this hearing, the Planning Commission shall submit a recommendation to the Board of Commissioners.
- (C) The Board of Commissioners shall hold a public hearing on the proposed plan amendment as provided in Chapter 111. Final decision by the Board of Commissioners shall not be effective until 21 days after mailing of the decision. Filing of an appeal to the Land Use Board of Appeals stays all proceedings by all parties in connection with the matter appealed until the appeal has been resolved. Any plan amendment or reclassification of property shall be by ordinance which shall be passed by the Board of Commissioners. Any denial of a proposed plan amendment shall be by order.

115.050. CRITERIA FOR NON-LEGISLATIVE PLAN AMENDMENTS. A non-legislative plan amendment may be approved provided that the request is based on substantive information providing a factual basis to support the change. It is the applicant's responsibility to provide the information necessary to determine if the request meets the pertinent criteria.

- (A) Amendments to the Comprehensive Plan Map must meet one or more of the following criteria:
 - (1) The Comprehensive Plan designation is erroneous and the proposed amendment would correct the error; or
 - (2) The Comprehensive Plan Designation is no longer appropriate due to changing conditions in the surrounding area; and
 - (3) The purpose of the Comprehensive Plan will be carried out through approval of the proposed Plan Amendment based on the following:
 - (a) Evidence that the proposal conforms to the intent of relevant goals and policies in the Comprehensive Plan and the purpose and intent of the proposed land use designation.
 - (b) Compliance with Oregon Revised Statutes, statewide planning goals and related administrative rules which applies to the particular property(s) or situations. If an exception to one or more of the goals is necessary, the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4 shall apply; and
 - (c) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land.

- (B) Text amendments to the Comprehensive Plan demonstrating why the building(s) for a specific commercial use defined by the Zoning Ordinance as “small-scale, low impact”, within an unincorporated community, should exceed 4,000 square feet in size must demonstrate compliance with the following criteria:
 - (1) An analysis shows that the proposed use is intended to serve a market area consisting solely of the surrounding rural area and/or the travel needs of people passing through the area; and
 - (2) The proposed use would rely upon a work force from the surrounding rural area.
- (C) Text amendments to the Comprehensive Plan demonstrating why the building(s) for a specific industrial use defined by the Zoning Ordinance as “small-scale, low impact”, within an unincorporated community, should exceed 10,000 square feet in size must demonstrate compliance with the following criteria:
 - (1) The proposed use is necessary to provide employment that does not exceed the total projected work force within the community and the surrounding rural area;
 - (2) The proposed use would not rely upon a work force served by uses within an urban growth boundary; and
 - (3) The determination of the work force of the community and surrounding rural area considers the total projected industrial and commercial employment of the community and is coordinated with employment projections for nearby urban growth boundaries. [Amended by Ordinance #00-03, dated May 5, 2000]

115.060. CRITERIA FOR LEGISLATIVE PLAN AMENDMENTS. A legislative plan amendment may be approved provided that the request is based on substantive information providing a factual basis to support the change. In amending the Comprehensive Plan, Polk County shall demonstrate:

- (A) Compliance with Oregon Revised Statutes, and the statewide planning goals and related administrative rules. If an exception to one or more of the goals is necessary, Polk County shall adopt findings which address the exception criteria in Oregon Administrative Rules, Chapter 660, Division 4;
- (B) Conformance with the Comprehensive Plan goals, policies and intent, and any plan map amendment criteria in the plan;
- (C) That the proposed change is in the public interest and will be of general public benefit; and
- (D) Compliance with the provisions of any applicable intergovernmental agreement pertaining to urban growth boundaries and urbanizable land.