

Chapter 17.40

AMENDMENTS TO ZONING AND COMPREHENSIVE PLAN

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An amendment to this ordinance in the text or the map may be initiated by the city council, the planning commission, or by application of a property owner or his authorized agent. (Ord. 278 § 9.010, 1977)

17.40.020 Application for an Amendment.

An application for an amendment by a property owner or his authorized agent shall be filed with the City on forms provided by the City, accompanied by a fee established by the City Council and findings to support the application. When the application has been deemed complete in compliance with Section 17.04.155 of this ordinance, the application will be scheduled for a public hearing before the Planning Commission. (Ord. 278 § 9.020, 1977) (Ord 2015-08 § 020, 2015)

17.40.030 Process for Zone Text, Map or Comprehensive Plan Amendment.

A. Any amendment to the zoning ordinance text, the Comprehensive Plan Goals and Policies, and/or the comprehensive Plan/zone map is subject to a two-step approval process:

a. The Planning Commission holds a public hearing and makes a recommendation to the City Council.

b. The City Council holds a de novo public hearing and makes a final decision.

B. Any amendment shall be adopted by (Ordinance. (Ord. 2015-08 § 030, 2015)

17.40.040 Criteria and Approval for Zone Text or Map Amendment.

An amendment to the zoning ordinance text or map is appropriate when there are findings that all of the applicable conditions exist:

a. Either the original wording or designation was made in error, or the amendment is justified due to changing circumstances.

b. Any amendment must comply with the Port Orford Comprehensive Plan Goals and Policies.

c. The map amendment must be compatible with surrounding zoning. (Ord. 2015-08 § 040, 2015)

17.40.050 Authorization and Procedure for Comprehensive Plan Amendment.

An amendment to the Comprehensive Plan is subject to the processes set forth in City of Port Orford Comprehensive Plan Goals and Policies, STATEWIDE PLANNING GOAL 1: CITIZEN INVOLVEMENT and STATEWIDE PLANNING 2: LAND USE PLANNING. (Ordinance. (Ord. 2015-08 § 050, 2015)

17.40.060 Notice for Public Hearing on Amendment.

Notice of any Public Hearing shall comply with Section 17.04.90 of this ordinance and any additional requirements of ORS 227 applicable in regards to notice to property owners for any specific zone change. The names for this written notice to property owners shall be obtained from the records of the County Assessor. Failure of a person specified in this section to receive the notice shall not invalidate any proceedings in connection with the application for a change in zone. The hearings body may continue a public hearing to a date and time specified at an advertised hearing in order to obtain more information without further notice or to give further notice to persons it decides are affected by the proposed change in zone (Ord. 278 § 9.030, 1977) (2015-08 § 060, 2015)

17.40.070 DLCD Notice

When an amendment to the Comprehensive Plan text or map, or the Zoning Ordinance text or map is proposed, except where adoption is required to incorporate new Oregon statutes or rules, the City shall submit the proposed change to Department of Land Conservation and Development (DLCD) on forms provided by DLCD at least 35 days before holding the first public hearing on adoption of the proposed change. When there are emergency circumstances that do not allow for the 35 day notice, the notice should be submitted as soon as practicable with an explanation of the emergency

circumstances. The following shall be included to comply with OAR 660-018-0010:

(a) The text of any proposed change to the comprehensive plan or land use regulation implementing the plan. The proposed text submitted to comply with subsection (2)(a) of this rule must include all of the wording proposed to be added to or deleted from the acknowledged plan or land use regulations. If a goal exception is proposed, the proposed wording of the exception is to be included.

(b) A copy of any relevant portion of the map that is created or altered preferably on 8 ½ by 11 inch paper. This shall include a graphic depiction of the change and a legal description, tax account number, address or similar general description.

(c) A brief narrative summary of the proposed change and any supplemental information that may be useful to inform the director and members of the public of the effect of the proposed change.

(d) The date set for the first evidentiary hearing.

(e) The notice or a draft of the notice required under ORS 197 regarding a quasi judicial land use hearing, if applicable.

(f) Any staff report on the proposed change or information of when the staff report will be available and how a copy may be obtained.

(g) If the City Planner determines that no goals, commission rules, or state land use statutes apply to the proposed amendment, the City is not required to provide the notice described within.

(h) The City must submit any adopted change to the comprehensive plan or land use regulation to the department within 20 days after the decision to adopt the change, as required by OAR 660-018-0040, regardless of the reason for not submitting the proposed change in advance, as provided in ORS 197.615(1) & (2). (Ordinance. (Ord. 2015-08 § 070, 2015)