

2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site plan review only for the proposed parking lot and any changes to associated pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.480 Minor modifications. A. Minor Modification Defined. Any modification to a land use decision or approved development plan which is not within the description of a major modification as provided in Section 17.14.470 of this chapter, shall be considered a minor modification.

B. Minor Modification Request. An application for approval of a minor modification is reviewed using Type II procedure in Chapter 17.14.050. A minor modification shall be approved, approved with conditions, or denied by the city official based on written findings on the following criteria:

1. The proposed development is in compliance with all applicable requirements of the development code; and
2. The modification is not a major modification as defined in Section 17.14.380, of this chapter. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

#### ARTICLE VIII. LAND USE DISTRICT MAP AND TEXT AMENDMENTS

17.14.490 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. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.500 Legislative amendments. Legislative amendments are policy decisions made by city council.

They are reviewed using the Type IV procedure in Chapter 17.14.070 (and shall conform to Section 17.14.540, Transportation Planning Rule Compliance, as applicable). (Ord. 447 §1(part), 2004; Ord. 438 §3 Exh. C (part), 2003)

17.14.510 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 Chapter 17.14.060, using standards of approval in subsection B of this section. The approval authority shall be as follows:

1. The planning commission shall review and recommend land use district map changes which do not involve comprehensive plan map amendments;

2. The planning commission shall make a recommendation to the city council on an application for a comprehensive plan map amendment. 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 which also involves a comprehensive plan map amendment application. The city council shall decide both applications.

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. Demonstration of compliance with all applicable comprehensive plan policies and map designations. Where this criterion cannot be met, a comprehensive plan amendment shall be a prerequisite to approval;

2. Demonstration of compliance with all applicable standards and criteria of this code, and other applicable implementing ordinances;

3. 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 17.14.540, Transportation Planning Rule Compliance, as applicable.) (Ord. 447 §1(part), 2004; Ord. 438 §3 Exh. C (part), 2003)

17.14.520 Conditions of approval.

A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approved or denied. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.530 Record of amendments.

The city recorder 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. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

17.14.540 Transportation planning rule compliance.

A. 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. 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 transportation system plan;

2. Change the standards implementing a functional classification system;

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 level of service of the facility below the minimum acceptable level identified in the transportation system plan.

B. Amendments to the comprehensive plan and land use standards 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 transportation system plan. 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;

2. Amending the transportation system plan to ensure that existing, improved, or new transportation fa-

cilities are adequate to support the proposed land uses consistent with the requirement of the transportation planning rule; 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. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)  
(Ord. No. 536, § 3, 8-24-10)

#### ARTICLE IX. CODE INTERPRETATIONS

##### 17.14.550 Purpose.

Some terms or phrases within the code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the code text. (Ord. 447 §1(part), 2004: Ord. 438 §3 Exh. C (part), 2003)

##### 17.14.560 Code interpretation procedure.

A. Requests. A request for a code interpretation ("interpretation") shall be made in writing to the city recorder. The city recorder may develop written guidelines for the application process.

B. Decision to Issue Interpretation. The city recorder shall have the authority to review a request for an interpretation. The city recorder shall advise the requester in writing within fourteen days after the request is made, on whether or not the city will issue the requested interpretation.

C. Declining Requests for Interpretations. The city recorder is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject code section affords only one reasonable interpretation and the interpretation does not support the request. The city recorder decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal.

D. Written Interpretation. If the city recorder decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who