

CHAPTER 6
QUASI-JUDICIAL PLAN AMENDMENT

SECTION 6.100 Purpose

This Chapter provides the substantive requirements for quasi-judicial amendments of the Douglas County Comprehensive Plan. Procedural provisions for such plan amendments, unless otherwise provided by this Chapter are set forth in Chapter 2 of this Ordinance.

A quasi-judicial amendment is a change in the Comprehensive Plan Map for a particular parcel or limited number of parcels of land.

SECTION 6.200 Initiation of Amendment

A Quasi-Judicial Plan Amendment may be initiated by an application as provided in Section 2.040 of this Ordinance.

SECTION 6.300 Application Dates

Applications for a Quasi-Judicial Plan Amendment may be submitted at any time, and shall include a completed application on forms provided by the Planning Department and the appropriate fee. Quasi-Judicial Plan Amendment hearings shall normally be scheduled and conducted on the second Thursday of April and October of each year.

Exceptions to the April and October dates may be allowed for hearings at other times of the year to accommodate:

1. Amendments initiated by the Board of Commissioners to provide for public projects; and
2. Amendments initiated by an applicant for development which would promote economic diversification for the County and for which the Board directs the Planning Director to establish an alternate hearing date in the interest of reducing processing time.

In any case, all applications shall be filed with the Director at least 60 days prior to a hearing date.

SECTION 6.400 Fee

An application for a Quasi-Judicial Plan Amendment shall be accompanied by the required fee established by the Board.

SECTION 6.500 Application Form and Content and Amendment Standards

1. The Director shall prescribe forms for applications for Quasi-Judicial Plan Amendments which, when completed, shall be sufficient to describe the nature and effect of the proposed Amendment.
2. The application shall address the following requirements which shall be the standard for Amendment:
 - a. That the Amendment complies with the Statewide Planning Goals adopted by the Land Conservation and Development Commission pursuant to ORS 197.240 or as revised pursuant to ORS 197.245.
 - b. That there is a public need for a change of the kind in question.
 - c. That such need will be best served by changing the Plan Designation of the particular piece of property in question as compared with other available property.
3. If it appears that it is not possible to apply an appropriate Goal to specific properties or situations, then the application shall set forth the proposed exception to such Goal when:
 - a. The land subject to the exception is physically developed to the extent that it is no longer available for uses allowed by the applicable goal;
 - b. The land subject to the exception is irrevocably committed as described by the Land Conservation and Development Commission rule to uses not allowed by the applicable goal because existing adjacent uses and other relevant factors make uses allowed by the applicable goal impracticable; or
 - c. The following standards are met.
 - i. Reasons justifying why the state policy embodied in the applicable goals should not apply;
 - ii. Areas which do not require a new exception cannot reasonably accommodate the use;
 - iii. The long term environmental, economic, social and energy consequences resulting from the use at the proposed site with measures designed to reduce adverse impacts are not significantly more adverse than

would typically result from the same proposal being located in areas requiring a goal exception other than the proposed site; and

- iv. The proposed uses are compatible with other adjacent uses or will be so rendered through measures designed to reduce adverse impacts. (Compatible as used in this paragraph, is not intended as an absolute term meaning no interference or adverse impacts of any type with adjacent uses).
4. Applications for Quasi-Judicial Plan Amendments may be combined with an application on the same property for an Administrative Action. If a combined application is made, the time periods in this Ordinance shall apply even if such periods conflict with time periods set forth in this Ordinance.

SECTION 6.600 Notice

- 1. At least 45 days prior to the hearing by the Hearings Officer, notice thereof shall be given as provided in Section 2.065 of this Ordinance. Thereafter, notice of further proceeding shall be given as provided in Chapter 2 of this Ordinance.
- 2. If the application proposes an Exception to a Goal as described in Section 6.500.2.a such Exception shall specifically be noted in the notice.

SECTION 6.700 Hearing by the Hearings Officer

The Hearings Officer shall conduct a public hearing upon the proposed Plan Amendment and, if the proposed Amendment were combined with an application for Administrative Action, the Hearings Officer shall conduct any required hearing at the same time. The hearing shall be conducted pursuant to the provisions of Chapter 2 of this Ordinance.

SECTION 6.800 Decision of the Hearings Officer

- 1. Fifteen (15) days from the date of the Hearings Officer's decision, the decision shall become final unless an Appeal or Review be filed pursuant to §2.500 of this Ordinance. An appeal shall be heard by the Board pursuant to §2.700. However, the Commission or Board may review the decision on its own motion.

2. If the Commission elects to review the decision of the Hearings Officer on its own motion, notice shall be given pursuant to Section 2.500.3 of this Ordinance. A hearing shall be held and decision rendered pursuant to Section 2.600 and the hearing procedure provided in Chapter 2 of this Ordinance.
3. If the Board elects to review the decision on its own motion, notice of hearing shall be given pursuant to Section 2.500.3 and review shall be conducted pursuant to Section 2.700 and the hearing procedure provided in Chapter 2 of this Ordinance.

SECTION 6.900 Board Action

1. Within 30 days of the decision, the Board shall adopt an order approving the Findings, Conclusions and Decision of the Hearings Officer at a regular public meeting unless the Board or Commission elects to review the decision on their own motion or Notice of Appeal has been filed.
2. If a Notice of Appeal be filed with the Director, the Board shall review the decision pursuant to Sections 2.500 and 2.700 and the hearing procedure provided in Chapter 2 of the Ordinance.
3. If the Commission elects to review the Hearings Officer's decision on its own motion, the decision of the Commission shall be considered to overrule the decision of the Hearings Officer. All other provisions of this Section shall apply to such decision relating to actions required by the Board.