

SECTION 3

ZONE CHANGE PROCEDURE

- 3.1 ZONE CHANGE**
- 3.2 PROCESS**
- 3.3 INITIATION OF ZONE CHANGE**
- 3.4 CRITERIA FOR APPROVAL**
- 3.5 ACTION BY THE COMMISSION**
- 3.6 FINAL ACTION BY THE CITY COUNCIL**
- 3.7 EFFECTIVE DATE OF ZONE CHANGE**

3.1 ZONE CHANGE

A zone change is a reclassification of any area from one zone or district to another, after the proposed change has been reviewed and recommended by the Planning Commission. Such change shall be made by an ordinance enacted by the City Council after proceedings have been accomplished in accordance with the following provisions.

3.2 PROCESS

Zone change shall be reviewed in accordance with the Type III review procedures specified in Section 2.1

3.3 INITIATION OF ZONE CHANGE.

A zone change and the proceedings of such a change may be initiated as one of the following:

- (a) A zone change may be initiated by resolution by the City Council only for governmental, educational, religious, or philanthropic purposes. In such a case the City Administrator shall refer the resolution to the Planning Commission, whereupon the Commission shall set a date, time, and place for the hearing. A zone change may be initiated by a resolution of the Planning Commission. The Commission shall not initiate any proceedings unless the zone change is in the public interest. The public notice procedure is as provided by Section 2.3.
- (b) A zone change may be initiated by petition of property owners or by persons purchasing property under contract. Procedure for a zone change by petition shall be as follows:
 - (1) The petition shall set forth the names of the owners of all property within 250 feet of the boundary of the property proposed for a zone change, mailing addresses, and the description of their properties as it appears on the most recent assessment and tax roll of Marion County, or as it appears in the deed records of the County,

if such records be later. Property owned by the City of Mt. Angel shall not be deemed as part of the affected area.

- (2) The petition shall contain a description of the property sought for a zone change and shall be accompanied by a plot showing the location of all property in the affected area.
- (3) Attached to the petition shall be the affidavit of the person(s) preparing the plat and list of names and addresses of owners therein, showing that said person(s) is qualified and competent to prepare such plat and to examine the public records pertaining to ownership of real property, and certifying that the list of names of the owners and descriptions of the property in such lists are accurate and correct and that no name of any property owner in the affected area is omitted from the list. The certificate of an abstract or title company duly incorporated under the laws of Oregon shall be deemed in compliance with this provision.

A petition must be filed within 60 days after the making of such affidavit or certificate. All property owners signing the petition shall acknowledge the same before a notary public or some other official authorized to take acknowledgments, and the certificate of the notary public or another official shall be attached to the petition; or, in lieu of having the signers of the petition acknowledge before a notary public or other officer, the person circulating the petition may execute and file with the petition an affidavit to the effect that such persons secured each name appearing on the petition, or as certified, that each name was signed freely, voluntarily, without undue influence of any nature, and under no misrepresentation as to the facts.

- (4) The petition of a zone change shall be filed with the Secretary of the Commission who shall immediately refer the petition to the City Administrator or their designee who shall within five (5) days check the petition and determine whether the same is signed by the property owners requesting a zone change and contains the required plat and list of names. The City Administrator shall then return the petition to the Planning Commission who shall then fix the public hearing date as provided in Section 2.3.

3.4 CRITERIA FOR APPROVAL

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

- (a) The proposed zone is appropriate for the Comprehensive Plan designation on the property and is consistent with all applicable Plan policies.
- (b) Allowed uses in the proposed zone can be established in compliance with the development requirements in this Ordinance.
- (c) Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

- (d) For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.
- (e) The following additional criteria shall be used to review all non-residential changes:
 - (1) The supply of vacant land in the proposed zone is inadequate to accommodate the projected rate of development of uses allowed in the zone as described in the Comprehensive Plan, or the location of the appropriately zoned land is not locationally or physically suited to the particular uses proposed for the subject property, or lack site specific amenities required by the proposed use.
 - (2) The proposed zone, if it allows uses more intensive than other zones appropriate for the land designation, will not allow uses that would destabilize the land use pattern of the area or significantly adversely affect adjacent properties.
- (f) The following additional criteria shall be used to review all annexation proposals requesting a change to a specific zone district versus conformance with Section 19.6, Table 19-1.
 - (1) The associated comprehensive plan designation and zone district provides for logical urbanization of land,
 - (2) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity,
 - (3) Social, economic, or demographic patterns of nearby vicinity have so altered that the current designation/zoning is no longer appropriate, and
 - (4) It is in the public interest that the proposed change be adopted.

3.5 ACTION BY THE COMMISSION

After every public hearing for a zone change, the Planning Commission shall forward to the Council its decision and include in its decision findings of fact to support the public health, safety, and welfare relating to but not limited to the following:

- (a) Conformance with the Comprehensive Plan for the City of Mt. Angel.
- (b) Existing and future capacity of public facilities and services with regards to the range of uses allowed by the proposed zone change.
- (c) Compatibility with surrounding zoning and development.

3.6 FINAL ACTION BY THE CITY COUNCIL

Any zone change or reclassification of property shall be by ordinance which shall be passed by the governing body. Any denial of a proposed zone change shall be by resolution. Whenever any premises are reclassified as to zone, or a new zone established, or boundary lines of a zone changed, the official zoning map shall be changed. The City of Mt. Angel will take final action on a permit or zone change application, including all appeals, within 120 days of completion of the application. The 120-day final action requirement does not apply to Comprehensive Plan changes.

3.7 EFFECTIVE DATE OF ZONE CHANGE.

The zone change shall be effective 21 days following the final action taken by the City Council. Within the 21 day period, the decision may be appealed to the Land Use Board of Appeals (LUBA).