

SUBCHAPTER 12

ZONE CHANGES AND PLAN AMENDMENTS

12.005 Initiation of a Zone Change or Plan Amendment

A zone change or plan amendment may be initiated in any one of the following ways:

- A. The City Council may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- B. The Planning Commission may initiate such action by resolution. The resolution shall be forwarded to the City Manager, who shall set a date for a public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.
- C. A property owner may initiate such action by petition for the owner's own property.

12.010 Zone Change and Plan Amendment by Petition

Any property owner may initiate a zone change or plan amendment for the property that he or she owns by submitting to the City Recorder a petition bearing the following:

- A. Present zoning and plan designation of the property;
- B. Proposed zoning and plan designation of the property;
- C. Street address and township, range, section, and tax-lot number of the property.
- D. Legal description of the property;
- E. Names, addresses, and zip codes of the owners of record of the property to be reclassified;
- F. Signatures of the owners of at least 50 percent of the property to be reclassified and the percentage of each signatory's ownership of the property;
- G. A map showing all properties within the notification area and the names of the owners of each property;

H. A certified list showing the names and addresses of all owners of record of property within the notification area. Attached to the certified list shall be an affidavit of the person who prepared the certified list. The affidavit shall indicate that such person is qualified and competent to examine the public records of ownership of real property and that the list of names is accurate and complete. The certificate of an abstract company or title company incorporated under the laws of Oregon shall be deemed as compliance with this requirement. The petition for reclassification must be filed within 60 days of the making of the certified list.

The petition shall be filed with the City Recorder, who shall set a date for public hearing before the Planning Commission and give notice of such hearing as provided in this ordinance.

12.015 Recommendation by the Planning Commission

The Planning Commission shall conduct a public hearing of any request for a zone change or plan amendment. Upon completion of the public hearing, the Commission shall forward to the City council its recommendation regarding the proposed reclassification. Such recommendation shall be in writing and shall contain findings regarding the facts and conclusions used to make the recommendation. Such recommendation shall be delivered to the City Council within 30 days of the Planning Commission's hearing.

12.020 Action by the City Council

Upon receipt of a recommendation from the Planning Commission for any zone change or plan amendment, the City Council shall hold a public hearing. The City Council shall base its decision upon the findings, conclusions and recommendations reached by the Planning Commission unless, by a preponderance of the evidence, it finds facts and reaches conclusions different from those reached by the Planning Commission. All zone changes or plan amendments shall be based on written findings. Any zone change or plan amendment shall be by ordinance. Any denial of a request for a zone change or plan amendment shall be by resolution.

12.025 Standards for Zone Changes

No zone change shall be approved by the Planning Commission or enacted by the City council unless it conforms to the Comprehensive Plan, including the Transportation System Plan, and at least one of the following standards is met:

- A. The zoning on the land for which the zone change is initiated is erroneous and the zone change would correct the error;
- B. Conditions in the neighborhood surrounding the land for which the zone change is initiated have changed to such a degree that the zoning is no longer

appropriate and the zone change would conform to the new conditions of the neighborhood;

C. There is a public need for land use of the kind for which the zone change is initiated and that public need can best be met by the zone change.

12.030 Standards for Plan Amendment

No plan amendment shall be approved by the Planning Commission or enacted by the City Council unless at least one of the following standards is met:

A. The Comprehensive Plan designation for the land for which the plan amendment is initiated is erroneous and the plan amendment would correct the error;

B. Conditions in the neighborhood surrounding the land for which the plan amendment is initiated have changed to such a degree that the Comprehensive Plan designation is no longer appropriate and the plan amendment would conform to the new conditions in the neighborhood;

C. There is a public need for land use of the kind for which the plan amendment is initiated and that public need can best be met by the plan amendment.

12.035 Official Maps

Whenever any property is reclassified to a different zone or plan designation, the official zoning map or Comprehensive Plan map shall be revised accordingly. Such revision shall be accomplished by the City Manager or designee within 30 days of the effective date of the ordinance granting the zone change or plan amendment.