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**CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT**

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## **CHAPTER 9 ZONE CHANGE AND ORDINANCE AMENDMENT**

### **SECTION 9.010 Application for Zone Change**

Application for a zone change may be initiated as follows:

- A. By resolution of the County Governing Body referring to the Commission a proposal therefore;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By application filed with the Director of Planning upon forms prescribed by the Director of Planning and signed by a property owner with the area of the proposed change, and containing such information as may be required by the to establish the criteria for the change (quasi-judicial only);
- D. By request of the Director of Planning, limited to changes required to implement the Comprehensive Plan or to eliminate spot zoning.

### **SECTION 9.020 Criteria for Decision**

The Approving Authority may grant a zone change only if the following circumstances are found to exist:

- A. The original zoning was the product of a mistake; or
- B. It is established that:
  - 1. The rezoning will conform with the Comprehensive Plan; and,
  - 2. The site is suitable to the proposed zone; and
  - 3. There has been a conscious consideration of the public health, safety and welfare in applying the specific zoning regulations.

### **SECTION 9.030 Transportation Planning Rule Compliance**

- A. Review of Applications for Effect on Transportation Facilities - A proposed zone change or land use regulation change, whether initiated by the County or by a private interest, shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060 (the Transportation Planning Rule – “TPR”). “Significant” means the

proposal would:

1. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
  2. Change standards implementing a functional classification system; or
  3. As measured at the end of the planning period identified in the adopted transportation system plan:
    - a. Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
    - b. Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP; or
    - c. Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.
- B. Amendments That Affect Transportation Facilities - Amendments to the land use regulations that significantly affect a transportation facility shall ensure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the TSP. This shall be accomplished by one or a combination of the following:
1. Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.
  2. Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of Section -0060 of the TPR.
  3. Altering land use designations, densities, or design requirements to reduce demand for vehicle travel and meet travel needs through other modes of transportation.
  4. Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

- C. Traffic Impact Analysis - A Traffic Impact Analysis shall be submitted with a zone change application pursuant to Section 4.140 Traffic Impact Analysis (TIA))

SECTION 9.040 Conditions Relative to the Approval of a Zone Change

Reasonable conditions may be imposed, pursuant to Section 2.110(D) as are necessary to insure the compatibility of a zone change to surrounding uses and as are necessary to fulfill the general and specific purposes of this Ordinance. Such conditions may include, but are not limited to, the following:

- A. Special yards and spaces;
- B. Fences and walls;
- C. Special parking and/or loading provisions;
- D. Street dedication and improvements or bonds in lieu of improvements;
- E. Control of points of vehicular ingress and egress;
- F. Special provisions for signs;
- G. Lighting, landscaping and maintenance of grounds;
- H. Control of noise, vibration, odors, or other similar nuisances.

SECTION 9.050 Amendments to the Zoning Ordinance

Amendments to this Ordinance may be initiated as follows:

- A. By resolution of the County Governing Body referring a proposed amendment to the Planning Commission for its consideration, report and recommendations;
- B. By a majority vote of the Planning Commission confirmed by the Wasco County Governing Body;
- C. By request of the Director of Planning or the District Attorney to conform the Ordinance to changes in the State Law;

SECTION 9.060 Recommendation on Zone Change or Amendment to the Land Use and Development Ordinance

After hearing, the Approving Authority shall recommend that the proposed zone change or amendment to the Zoning Ordinance be granted or denied. The Director of Planning or his

assistants shall reduce to writing the Commission's recommendations together with a brief statement of the facts and reasons upon which such recommendation is based.

**SECTION 9.070 Notice of Planning Commission Recommendation**

Within ten (10) days of the final Planning Commission hearing, the Director of Planning or his assistants shall give notice thereof to any persons who signed in and testified at the hearing and to such other persons as may have requested the same in writing.

**SECTION 9.080 Action by County Governing Body**

Upon receipt of the Commission report, the County Governing Body shall take such action as may appear appropriate to that body, or as it feels the public interest requires, provided that in no event shall the County Governing Body act until at least twenty (20) days after the Notice of Planning Commission Recommendation has been mailed.