

**1202 ZONE CHANGES**

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1202.01 PURPOSE AND APPLICABILITY

Section 1202 is adopted to provide standards, criteria, and procedures under which a change to the zoning maps (hereinafter referred to as a zone change) may be approved.

1202.02 SUBMITTAL REQUIREMENTS

In addition to the submittal requirements identified in Subsection 1307.07(C), an application for a zone change shall include a site plan of the subject property showing existing improvements, and a vicinity map showing the relationship of the subject property to the surrounding area. An application for a zone change to NC District also shall include:

- A. The requirements listed in Subsection 1102.02;
- B. A vicinity map, drawn to scale, showing the uses and location of improvements on adjacent properties and properties across any road; and
- C. A site plan, drawn to scale, showing the following:
  - 1. Property dimensions and area of property;
  - 2. Access to property;
  - 3. Location and size of existing and proposed improvements showing distance from property lines and distance between improvements;
  - 4. Location of existing and proposed parking; and
  - 5. Location of existing and proposed pedestrian and bicycle facilities, including pedestrian rest and gathering areas.

1202.03 GENERAL APPROVAL CRITERIA

A zone change requires review as a Type III or IV application pursuant to Section 1307, *Procedures*, and shall be subject to the following standards and criteria:

- A. The proposed zone change is consistent with the applicable goals and policies of the Comprehensive Plan.
- B. If development under the proposed zoning district designation has a need for any of the following public services, the need can be accommodated with the implementation of the applicable service provider's existing capital improvement plan: sanitary sewer, surface water management, and water. The cumulative impact of the proposed zone change and development of other properties under

existing zoning designations shall be considered.

- C. The transportation system is adequate, as defined in Subsection 1007.09(D), and will remain adequate with approval of the proposed zone change. Transportation facilities that are under the jurisdiction of the State of Oregon are exempt from Subsection 1202.03(C). For the purpose of this criterion:
  - 1. The evaluation of transportation system adequacy shall include both the impact of the proposed zone change and growth in background traffic for a 20-year period beginning with the year that a complete zone change application is submitted pursuant to Section 1307.
  - 2. It shall be assumed that all improvements identified in Comprehensive Plan Table 5-3a, *20-Year Capital Projects*; the Statewide Transportation Improvement Plan; and the capital improvement plans of other local jurisdictions are constructed.
  - 3. It shall be assumed that the subject property is developed with the primary use, allowed in the proposed zoning district, with the highest motor vehicle trip generation rate.
  - 4. Transportation facility capacity shall be calculated pursuant to Subsection 1007.09(E).
  - 5. A determination regarding whether submittal of a transportation impact study is required shall be made based on the Clackamas County Roadway Standards, which also establish the minimum standards to which a transportation impact study shall adhere.
- D. The proposed zone change, as it relates to transportation facilities under the jurisdiction of the State of Oregon, complies with the Oregon Highway Plan.
- E. Safety of the transportation system is adequate to serve the level of development anticipated by the proposed zone change.

#### 1202.04 NC DISTRICT APPROVAL CRITERIA

If the application requests a zone change to NC District, approval of the zone change shall include approval of a specific use for the subject property, including a specific site development plan.

- A. In addition to the standards and criteria in Subsection 1202.03, a zone change to NC District shall be subject to the following standards and criteria:
  - 1. The characteristics of the subject property are suitable for the proposed use considering size, shape, location, topography, existence of improvements, and

natural features.

2. The proposed use will not alter the character of the surrounding area in a manner that substantially limits, impairs, or precludes the use of surrounding properties for the primary uses allowed in the zoning district(s) in which surrounding properties are located.
  3. The proposed use complies with any applicable requirements of the NC District and any overlay zoning district(s) in which the subject property is located, Section 800, *Special Use Requirements*, and Section 1000, *Development Standards*.
- B. Design review pursuant to Section 1102, *Design Review*, is not required for a use approved through a zone change to NC District. Modifications to the approved use, including the approved site development plan, shall be processed pursuant to Subsection 1307.16(M) or Section 1309, *Modification*.

1202.05 ALTERNATE ZONING DISTRICT DESIGNATION

An application for a zone change may include a request for the approval of an alternate zoning district designation if it is found that the applicant's preferred designation does not comply with the approval criteria but the alternate designation does.

[Amended by Ord. ZDO-224, 5/31/11; Amended by Ord. ZDO-230, 9/26/11; Amended by Ord. ZDO-246, 3/1/14; Amended by Ord. ZDO-250, 10/13/14; Amended by Ord. ZDO-248, 10/13/14; Amended by Ord. ZDO-253, 6/1/15]