

## What Is A Zone?

Communities are separated into areas with different land uses, also called zones. The 14 zones in Forest Grove are designed to protect the optimum community structure. Zoning laws ensure a pleasant community with the highest possible property values and help promote orderly, cost-effective community growth. The various zones are outlined in the Development Code and Zoning Map. All lands within the City limits have been carefully zoned on the basis of Comprehensive Plan policies, existing uses and desired patterns of future development.

## What Is A Zone Change?

In order to change the zoning of property, a set procedure must be followed. A zone change is a procedure that changes the mapped land use designation for a specific property or group of properties. A zone change which would make a single piece of property different than surrounding properties is not allowed. The zone change procedure is outlined in Section 17.2.760 et. seq. of the Development Code. A zone change may occur if it is found to comply with the review criteria listed in Development Code Section 17.2.770.

## How Do I Apply?

Application forms for a zone change are available at the Community Development office. The application must meet the requirements of the law and justify the proposal in terms of the relevant ordinance criteria. Your application must prove that the proposed change meets the following criteria from Section 17.2.770 of the Development Code. If it does not, the Planning Commission and City Council are under legal obligation to deny it. It must be determined that:

- A. The zone change is consistent with the Comprehensive Plan Map. When the Comprehensive Plan has more than one implementing zone as shown on the Correspondence Table in Article 3, it must be shown that the proposed zone is the most appropriate, taking into consideration the purposes of each zone and the zoning pattern of surrounding land.
- B. The zone change is consistent with relevant goals and policies of the Comprehensive Plan, as identified by the Director.
- C. The site is suitable for the proposed zone and there is a lack of appropriately designated alternative sites within the vicinity. The size of the vicinity will be determined on a case-by-case basis since the impacts of a proposed zone and its potential uses vary. The factors to be considered in determining suitability are parcel size and location.
- D. The zone change is consistent with the adopted Transportation System Plan. Development allowed by the zone change will not substantially impact the functional classification or operation of transportation facilities, or reduce the level of service of transportation facilities below the minimum acceptable level identified in the Transportation System Plan. To ensure proper review and mitigation, a traffic impact study may be required for the proposed zone change if it may impact transportation facilities.
- E. Public facilities and services for water supply, sanitary waste disposal, stormwater disposal, and police and fire protection are capable of supporting the uses allowed by the zone. Adequacy of services is based on the projected service demands of the site and the ability of the public services to accommodate those demands.
- F. The establishment of a zone district is not subject to the meeting of conditions.



## The Review Process

After the application has been submitted, a date for a public hearing before the Planning Commission will be set. Property owners and residents adjacent to the site will be notified and a legal notice of the hearing will be published in the newspaper. Staff will review your application and visit the site, compiling background information on the proposal. They will analyze:

- how your proposal relates to the provisions of the law
- how the proposal addresses access to public facilities
- how the proposal relates to City plans
- the possible consequences of your proposal

Your proposal is also circulated to all major public service departments to see how their services might be affected by the zone change. With all this information in hand, staff will write a report recommending approval or denial. This report may also contain suggested modifications. The report is sent to you and the Planning Commission prior to the hearing. The Planning Commission public hearing will be quasi-judicial, meaning there will be opportunity for testimony both for and against your proposal. At this time, you may address the Commission and staff will present their report. The Commission will consider all written and oral testimony and reach its decision by evaluating whether your proposal meets the criteria for approval.

The Planning Commission makes a recommendation to the City Council. It may vote to recommend approval or denial of the zone change. It is obligated to cite "findings of fact" that satisfy the criteria. It is your responsibility to supply facts and evidence for the Planning Commission to use as findings in support of their decision. The City Council then has another public hearing, using the same procedure as previously described.

A date will be set for a public hearing with the same format as the Commission hearing. The City Council's decision on the zone change will be final, unless appealed to the Land Use Board of Appeals (LUBA).

## How Long Will It Take?

Zone changes can normally be processed (from an established Planning Commission submittal date, through final consideration by City Council) in about 60 days.

## Some Things To Remember

Please refer to Development Code Section 17.2.750 et. seq., for details on criteria and procedures. It is important to note that while you may seem to have valid reasons for requesting a zone change, the requirements in the Development Code -- which are law -- are the only basis upon which the Planning Commission and City Council may make a decision. A zone change cannot be granted solely on your good intentions or economic need. City staff's role in the process is to assist you in ensuring that the application meets all of the requirements of the law. They also represent the community as a whole, identifying situations that could cause an increase in the cost of providing city services, or could have adverse impacts on the community.

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