



416 Ferry St - PO Box 339
 Dayton OR 97114
 Phone # (503) 864-2221
 Fax # (503) 864-2956
www.ci.dayton.or.us
cityofdayton@ci.dayton.or.us

Zone Change Application

For City of Dayton use:

Date Application Received:	Received By:	<i>File Number:</i>
Public Hearing Date:	Fee Amount:	
Application Completed Date:	Application Approval Date:	

Name of Applicant: _____

Physical Address: _____ City: _____ ST: _____ Zip: _____

Mailing Address: _____ City: _____ ST: _____ Zip: _____

Telephone Number: _____ Cell Number: _____

Email Address: _____

By signing below I certify that all the information and required documents are in all respects true and correct to best of my knowledge. I further understand that issuance of a permit based upon this application will not excuse me from complying with all City, County and State rules and regulations. I agree that it is my responsibility to comply with any conditions set forth in the approval, or any statutory requirements related to this request. Furthermore, I understand that I will be responsible to reimburse the City for any costs incurred on my behalf for planning, engineering, legal services, and city staff time over the base fee as related to my request.

Applicant Signature: _____ Date: _____

Parcel/Property # 1

Site Address or Location: _____

Nearest Cross Street: _____

Map & Tax Lot Number: _____ Square Footage or Acreage: _____

Current Zoning: _____ Proposed Zoning: _____

Property Owner (If different) from Applicant: _____

Address: _____ City: _____ ST: _____ Zip: _____

Phone: _____ Email Address: _____

Property Owner Signature: _____ Date: _____

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

For Office Use

Fee:	Deposit:	Amount Paid:	Date Paid:	Receipt #
Approved by: <input type="checkbox"/> City Manager <input type="checkbox"/> City Planner <input type="checkbox"/> Public Works Director <input type="checkbox"/> City Engineer <input type="checkbox"/> Fire Marshall/Chief				
Applicant Notification Date:		Comments:		
Additional Services Amount Billed:		Paid:	<input type="checkbox"/> Planner	
<input type="checkbox"/> Engineer		<input type="checkbox"/> Staff Time		<input type="checkbox"/> Other
Notes:				



Zone Change

Process

Zone Change Applications are reviewed in accordance with the Type III review procedures specified in Section 7.3.201 and typically take six to eight weeks to process. Type III reviews shall be limited to zone changes affecting 5 or fewer adjacent parcels ownerships or less than 10 acres of land. Zone changes affecting more than 5 adjacent parcels ownerships or more than 10 acres shall be considered a legislative actions and subject to at Type IV review process.

Approval Criteria

The following **approval criteria is required** to be addressed in addition to your completed application form:

- The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.
- Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

Submittal Requirements

- One (1) copy of the Zone Change application form with signatures of all property owners. Original signatures for all property owners must be provided. This information must be reproduced so please print clearly using black or blue ink.
- One (1) copy of the deed for each tax lot involved
- One (1) copy of the title report for each tax lot involved
- Two (2) copies of a Site Plan, that shows all of the following:
 - Existing structures on properties involved
 - Existing and proposed property lines and dimensions
 - Existing easements and/or Proposed easements
 - Setbacks to existing and proposed property lines
 - Existing and Proposed areas of properties involved
 - The location of existing streets and/or right-of-ways adjacent to the subject properties
 - Existing improvements on the property
 - Map and Tax Lot numbers or tax account numbers for subject properties
 - North arrow
 - Scale (the preferred scale is 1 inch equals 20 feet) on paper a minimum size of 11 x 17
- Application Fee made payable to the City of Dayton.

Conditions

Approval of a zone change application and approval criteria may be conditioned to require provisions for buffering or provision of off-site public facilities. Please read section 7.3.111.04 included in this packet for the imposition of conditions.

Approval Process

Once an application is deemed complete it will be reviewed by Dayton Planning Commission to be sent to City Council for final approval. Zone change requests are approved by resolution and recorded by the City.

Zoning Purpose Statements:

- R-1 The purpose of the (R-1) Single Family Residential zone is to allow development of single family homes on individual lots provided with urban services at urban densities. Other uses compatible with residential development are also appropriate. These areas are designated as Residential in the Comprehensive Plan. 7.2.102.01
- R-2 The (R-2) Limited Density Residential zone is intended to provide for detached and attached dwellings on a lot or multiple dwellings on a lot at an intermediate density. Other uses compatible with residential development are also appropriate. R-2 zones are located in areas designated Residential in the Comprehensive Plan. 7.2.103.01
- R-3 The (R-3) Medium Density Residential zone is intended for multiple family development on a parcel at higher residential densities. Other uses compatible with residential development are also appropriate. RM zoned property is suited to locations near commercial areas and along collector, and preferably, arterial streets. The appropriate Comprehensive Plan designation is Residential. 7.2.104.01
- CR The purpose of the (CR) Commercial Residential Zone is to provide areas for the development of a mixture of single family, multi-family, and manufactured homes, and limited retail and service commercial uses. 7.2.105.01
- C The Commercial (C) Commercial zone is the primary commercial zone within the City. The zone is specifically designed to provide area for commercial activities to serve the residents of the City and the surrounding area. The Commercial Zone is suitable for the Commercial Plan designation. 7.2.106.01
- I The purpose of the (I) Industrial Zone is to provide areas suitable for warehousing, primary and secondary processing, packaging, fabricating of finished goods and equipment with related outdoor storage and incidental sales. The Industrial zone is appropriate in those areas designated Industrial in the Comprehensive Plan where the location has access to an arterial street or highway and where the noises, lights, odors, and traffic will not conflict with residential areas. 7.2.107.01
- P The purpose of the (P) Public zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. The Public zone is applicable to those properties designated Public in the Comprehensive Plan. 7.2.108.01

The following Overlay Zone's Purpose Statements are available upon request:

- LUO Limited Use Overlay Zone
- CBO Central Business Area Overlay Zone
- HPO Historic Property Overlay Zone
- FPO Flood Plain Overlay Zone
- RD Restricted Development Overlay District

All applicable related Municipal Code is available on the City's website at www.ci.dayton.or.us.

SITE/LOCATION INFORMATION

Parcel/Property #2

Site Address or Location: _____
Nearest Cross Street: _____
Map & Tax Lot Number: _____ Square Footage or Acreage: _____
Plan Designation: _____ Zoning: _____
Property Owner: _____
Address: _____ City: _____ ST: _____ Zip: _____
Phone: _____ Email Address: _____
Property Owner Signature: _____ Date: _____

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

Parcel/Property #3

Site Address or Location: _____
Nearest Cross Street: _____
Map & Tax Lot Number: _____ Square Footage or Acreage: _____
Plan Designation: _____ Zoning: _____
Property Owner: _____
Address: _____ City: _____ ST: _____ Zip: _____
Phone: _____ Email Address: _____
Property Owner Signature: _____ Date: _____

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

Parcel/Property #4

Site Address or Location: _____
Nearest Cross Street: _____
Map & Tax Lot Number: _____ Square Footage or Acreage: _____
Plan Designation: _____ Zoning: _____
Property Owner: _____
Address: _____ City: _____ ST: _____ Zip: _____
Phone: _____ Email Address: _____
Property Owner Signature: _____ Date: _____

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

Parcel/Property #5

Site Address or Location: _____
Nearest Cross Street: _____
Map & Tax Lot Number: _____ Square Footage or Acreage: _____
Plan Designation: _____ Zoning: _____
Property Owner: _____
Address: _____ City: _____ ST: _____ Zip: _____
Phone: _____ Email Address: _____
Property Owner Signature: _____ Date: _____

I/We the above signed Property Owner(s), consent to the zone change of our property as shown on the attached plan map.

7.3.111 ZONE CHANGE

7.3.111.01 Process

Zone changes shall be reviewed in accordance with the Type III review procedures specified in Section 7.3.201. Type III reviews shall be limited to zone changes affecting 5 or fewer adjacent parcels ownerships or less than 10 acres of land. Zone changes affecting more than 5 adjacent parcels ownerships or more than 10 acres shall be considered legislative actions and subject to a Type IV review process.

7.3.111.02 Application and Fee

An application for a zone change shall be filed with the City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. Notice shall be subject to the provisions in Section 7.3.204.

7.3.111.03 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 land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.
- B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.
- C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Code.
- D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.
- E. For residential zone changes, the criteria listed in the purpose statement for the proposed zone shall be met.

7.3.111.04 Zone Change Conditions

- A. Imposition of Conditions. Approval of a zone change application may be conditioned to require provisions for buffering or provision of off-site public facilities. In order to impose conditions on a zone change, findings must be adopted showing that:
 - 1. The zone change will allow uses more intensive than allowed in the current zone; and
 - 2. The conditions are reasonably related to impacts caused by development allowed in the proposed zone or to impacts caused by the specific development proposed on the subject property; and

3. Conditions will serve a public purpose such as mitigating the negative impacts of allowed uses on adjacent properties; and
- B. Conditions. Conditions that could meet the criteria in A., include, but are not limited to:
1. Dedication of right-of-way for public streets, utility easements, etc.; including additional right-of-way consistent with the requirements of an approved Transportation Plan..
 2. Improvement of private roadways or public streets, including bike paths, curbs, and sidewalks.
 3. Provision of storm drainage facilities.
 4. Extension of public sewer, storm drain, and water service including over-sizing to permit development on other lands.
 5. Provision of fire suppression facilities and equipment.
 6. Provision of transit and traffic control facilities.
 7. Special building setbacks, orientation, landscaping, fencing, berming, and retention of natural vegetation.
 8. Special locations for truck loading, parking, access routes, or any outdoor activity that could impact adjacent property.
 9. Financial contributions to public agencies to offset increased costs for providing services or facilities related to the intensification of the use of the property.

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES

7.3.201 GENERAL PROVISIONS

7.3.201.01 Multiple Applications

Applications for more than one land use action for the same property may, at the applicant's discretion, be heard or reviewed concurrently.

7.3.201.02 Multiple Processing Types

Multiple land use requests involving different processing Types shall be heard and decided at the higher processing Type. For example, an application involving a Subdivision (Type II) with a Minor Variance (Type I) shall be reviewed and decided as a Type II request.

7.3.201.03 Generalized Area

Applications involving a generalized area may be aggregated if in the opinion of the City Manager a better understanding of the entire land use proposal is served by combining requests. A final decision shall be granted for each request and each request is appealable individually. *Amended ORD 608 effective 10/06/11*

7.3.201.04 Time Limit

If for any reason it appears that such final action may not be completed within the 120 day period, unless the time period is voluntarily extended by the applicant, the following procedures shall be followed regardless of other processes set forth elsewhere in this Code.

- A. The City staff shall notify the City Council of the timing conflict by the 95th day. The City Council shall, in accordance with its own procedures, set a time for an emergency meeting within the 120 day period.
- B. Public notice shall be mailed to affected parties as specified in Section 7.3.204.
- C. The City Council shall hold in a public hearing on the specified date, in accordance with the provisions of Section 7.3.206 and render a decision approving or denying the request within the 120 day period. Such action shall be the final action by the City on the application.

7.3.201.05 Performance Bonding

Whenever practical, all conditions of approval required by the City shall be completed prior to the issuance of an occupancy permit. When an applicant provides information which demonstrates that it is not practical to fulfill all conditions prior to issuance of such permit, the City may require a performance bond or other guarantee to ensure compliance with zoning regulations or fulfillment of required conditions.

- A. Types of Guarantees - Performance guarantees may be in the form of

performance bond payable to the City of Dayton, cash, certified check, time certificate of deposit, or other form acceptable to the City. The form must be approved by the City Attorney and appropriate documents filed with the City Recorder.

- B. Amount of Guarantee - The amount of the guarantee must be equal to at least one-hundred-ten percent (110%) of the estimated cost of the performance. The applicant must provide a written estimate acceptable to the City, which must include an itemized estimate of all materials, labor, equipment and other costs of the required performance.
- C. Completion of Performance - All improvements shall be completed within one year of filing the performance guarantee. This time limit may be extended for additional one year periods by the City Manager. *Amended ORD 608 effective 10/06/11*

TITLE 7: LAND USE AND DEVELOPMENT CODE
SECTION 7.3.2 - ADMINISTRATIVE PROCEDURES

7.3.204 PUBLIC NOTICE REQUIREMENTS

7.3.204.01 Type I Action. Consistent with State statutes, written notice of a Type I decision shall be mailed to the applicant and all property owners, including county and state agencies responsible for road and highways, within 100 feet of the subject property. Written notice for a Type I Action shall include the following: *(Amended by Ordinance 589 – Effective 4/2/09)*

1. Summary of the request.
2. Relevant decision criteria.
3. Findings of fact indicating how the request does or does not comply with the decision criteria.
4. Conclusionary statement indicating approval or denial of the request including (where appropriate) conditions of approval.
5. Information regarding the appeal process including who may appeal, where appeal must be submitted, fees and the appeal deadline.

7.3.204.02 Type II and Type III Actions

Written notice of any public hearing shall be mailed at least 20 days prior to the hearing date to the applicant and owners of property, including county and state agencies responsible for roads and highways, within 200 feet of the boundaries of the subject property. *(Amended by Ordinance 589 – Effective 4/2/09)*

7.3.204.03 Type IV Actions

Written notice of a hearing before the Planning Commission or City Council hearings shall be given by publication of a notice in a newspaper of general circulation in the City not less than 10 days prior to the date of the hearing before the Planning Commission and City Council.

7.3.204.04 Notice for Appeals

An appeal to either Planning Commission or City Council shall include written notice at least 10 days prior to hearing to the appellant, the applicant and any other individuals who received notice of the original decision.

7.3.204.05 Public Hearing Notice Requirements

Notice for any public hearing, including appeals, shall include the following:

- A. Explain the nature of the application and the proposed use or uses which could be authorized.

- B. Cite the applicable criteria from the Code and the plan which apply to the application at issue.
- C. Set forth the street address or other easily understood geographical reference to the subject property.
- D. State the date, time and location of the hearing.
- E. State that failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Appeals Board of Appeals.
- F. Include the name and phone number of the City representative where additional information may be obtained.
- G. State that a copy of the application, all documents and evidence relied upon by the applicant and application criteria are available for inspection at no cost and a copy will be available at reasonable cost.
- H. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost.
- I. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearing.