

ORDINANCE BILL NO. 4 FOR 2020

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP.

WHEREAS, the City of Sweet Home submitted application Zone Change ZMA19-03 and requested a zone and comprehensive map change for an approximately 3.65-acre property and 0.75-acre property from the Recreation Commercial (RC) Zone to the Residential Low Density (R-1) Zone. The subject properties are located approximately between Osage and Highway 20 (north to south) and Wiley Creek and approximately 53rd Avenue (west to east), Sweet Home, OR 97386; and identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on February 3, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their February 3, 2020 meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on February 25, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their February 25, 2020 meeting; and

WHEREAS, the proposed R-1 zoning is needed to facilitate development of the subject property;

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA19-03 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map and Comprehensive Plan Map, identified in SHMC 17.20.020 as the City Zoning Map and City Comprehensive Plan Map of 2003 including all subsequent amendments, for the approximately 3.65-acre property and 0.75-acre property located approximately between Osage and Highway 20 (north to south) and Wiley Creek and 53rd Avenue (west to east), Sweet Home, OR 97386; and identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113. The Official Zoning Map and Comprehensive Plan Map shall be amended from the Recreation Commercial (RC) Zone to the Residential Low Density (R-1) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this _____ day of _____ 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA19-03

REVIEW AND DECISION CRITERIA

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. **An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]**

1. **The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**

- a. **The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
- b. **The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
- c. **Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- **Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- **Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

- d. Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
 - 1. To accurately reflect changes in the community.**
 - 2. To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]
- g. Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
 - 1. There is a need for the proposed change;**
 - 2. The identified need can best be served by granting the change requested;**
 - 3. The proposed change complies with the Statewide Planning Goals; and,**
 - 4. The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. Recreation Commercial: To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community.** [Sweet Home Comprehensive Plan, Table 11]
- i. Low Density Residential: To provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches).** [Sweet Home Comprehensive Plan, Table 7]

Staff Findings: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65 acre property and a 0.75 acre property, identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113 (Attachment A). The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low

Density (R-1). As stated in the comprehensive plan, zoning implements the comprehensive plan. The proposed change would be to the comprehensive plan map designation and the zoning map. Therefore, the proposed zoning would implement the comprehensive plan after the proposed change.

Comprehensive Plan Chapter 8, Plan Management states that updating the comprehensive plan may be completed to accurately reflect changes in the community. The purpose of the Planned Recreation Commercial comprehensive plan designation is, "to provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community." While the purpose of the Low Density Residential comprehensive plan designation is, "to provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches)." The Recreation Commercial (RC) zone allows: "Residential uses related to or in conjunction with a recreational development" or "Single-family dwellings on legal lots of record at the time of enactment of this chapter".

Based on the Linn County 2017 aerial photograph the area is primarily surrounded by single-family residences. The applicant states a desire to develop Tax Lot 109 with more than one single family residence. The proposed change may allow the applicant to develop the property with more than one single family residence if the property was partitioned in the future. The existing zoning only allows residential development on legal lots of record or in conjunction with a recreational development. However, the proposed Residential Low Density (R-1) zone allows single-family dwellings outright. Staff finds that the proposed map change would be consistent with the surrounding property to the east which is designated residential. Furthermore, the proposed zone change would bring the zoning designation into conformity with the property's original zoning designation of R-1 prior to 1999 (CS 22571, Partition #1999-42).

The proposed comprehensive map change follows the procedural requirements in comprehensive plan Chapter 2, Plan Amendment Policies 2 and 3.

Based on the findings above the proposed zoning and comprehensive plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;** [SHMC 17.12.025(B)]

Staff Findings: The applicant states that the proposed zoning map and comprehensive map amendment would be consistent with the pattern of development in the area. Based on the 2017 Linn County aerial photograph Staff finds that the subject property is primarily surrounded by single-family residences. Furthermore, the subject property is surrounded by Residential Low Density (R-1) zoned properties. Therefore, the existing development pattern and future development in the area and surrounding land uses warrant the proposed amendment.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and** [SHMC 17.12.025(C)]

Staff Findings: Based on comments the City of Sweet Home Staff Engineer, no water or sanitary sewer services are available at the ends of the streets. Both can be extended from 53rd Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52nd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with single-family residences in the future. Staff finds that utilities and services could be efficiently provided to serve the proposed use of single-family residences or other potential uses in the proposed zoning district.

The application complies with this criterion.

4. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]

Staff Findings: The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. The Oregon Statewide Land Use Planning program has a set of 19 Statewide Planning Goals. These Goals are mandated by the state to be in conformance with the City of Sweet Home Comprehensive Plan. In order to be consistent with Oregon's statewide planning goals, the applicant's request must remain in conformance with the Comprehensive Plan. The Planned Recreation Commercial designation provides for a mixture of commercial and residential uses associated with recreational development, while the Low Density Residential designation provides appropriate lands for low density, single-family home. The statewide planning goals pertinent to the application are listed below:

1. Statewide Planning Goal 2 is Land Use Planning, (OAR 660-015-0000(2)) with a purpose to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Sweet Home uses their adopted Municipal Code to describe the land use planning process and has an acknowledged Comprehensive Plan that is in compliance with Statewide Planning Goals.
2. Statewide Planning Goal 9, Economic Development, (OAR 660-015-000(9)) has a purpose to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 10 of the Comprehensive Plan states that the area provides for a mixture of commercial and residential uses associated with recreational development. It further states that the purpose of Recreation Commercial is to provide and maintain areas that possess unique characteristics for recreational commercial development that is suitable and desirable for businesses catering to tourist and recreational activity. This subject property currently has limited opportunity for commercial development. This area is not desirable for businesses at this time, as other, more appropriate land is available for commercial and tourism related businesses.
3. Statewide Planning Goal 10, Housing, is applicable to the proposed zone change and comprehensive map change. Oregon Administrative Rule (OAR) 660-008 states: "The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs." The City of Sweet Home completed a Housing Needs Assessment (HNA) in 2000, which identified the cities buildable land. Staff finds that the proposed zone change, and comprehensive map amendment would allow additional land within the city to be developed.
4. Statewide Planning Goal 11, Public Facilities and Services, (OAR 660-015-000(11)) has a purpose to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Since the subject property is within the city's service area for public utilities, with adequate service to the site required for the proposed development.

Staff submitted a notice to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing. As of writing this staff report no comments were received from DLCD. Staff finds that the proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

The application complies with this criterion.

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule,**

unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
- b. **Change standards implementing a functional classification system; or**
- c. **Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 1. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 2. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 3. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]**

Staff Findings: The subject property has existing frontage along Santiam Highway (Highway 20), Nandina Street, 52nd Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53rd Avenue is identified as a collector in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. No comments from ODOT have been received as of the writing of this staff report. The proposed use would be consistent with the previous map designation and the previous zoning. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan. The proposed zone change and comprehensive plan amendment does not significantly affect a transportation facility for the purposes of the Transportation Planning Rule (TPR) and therefore complies with the TPR.

The application complies with this criterion.



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
www.sweethomeor.gov

OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION
ON A LAND USE APPLICATION

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST SUMMARY: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65-acre property and a 0.75-acre property. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low Density (R-1). The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and make a decision on this application.

APPLICANT/

PROPERTY OWNER: Liberty Rock

PROPERTY LOCATION: From 52nd Avenue and Osage to 53rd Avenue and Highway 20 (north to south) and Wiley Creek to approximately 53rd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.12.025, 17.24, 17.60 and OAR 660-012-0060

FILE NUMBER: ZMA19-03

STAFF CONTACT: Angela Clegg. Phone: (541) 367-8113;
Email: aclegg@sweethomeor.gov

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on February 3, 2020. At the hearing the Planning Commission reviewed application ZMA19-03. The Planning Commission received testimony and deliberated on this matter at their February 3, 2020 meeting, and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the February 3, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the February 3, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order.

- III. **DECISION: Approved** the motion to recommend the application to City Council on February 25, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in ZMA19-03 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA19-03 and recommends approval by the City Council.

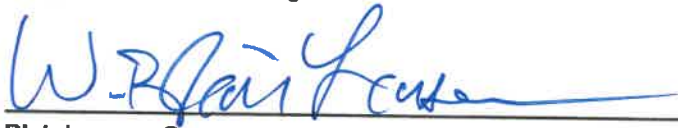
PLANNING COMMISSION DECISION: February 3, 2020

CITY COUNCIL MEETING: February 25, 2020.

APPEAL DEADLINE: February 14, 2020 at 5:00 PM


Lance Gatchell, Planning Commission Chair

2/7/2020
Date


Blair Larsen, Community and Economic Development Director

2/7/2020
Date

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for ZMA19-03

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]

- 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - i. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
 - ii. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
 - iii. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the longterm aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be effected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the

Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

- iv. Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons: [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]**
 - a. To accurately reflect changes in the community.**
 - b. To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- v. Changes to the Plan Shall be made by ordinance after public hearings. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]**
- vi. Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]**
- vii. Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment the applicants have the burden of proof that all of the following conditions exist. [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]**
 - a. There is a need for the proposed change;**
 - b. The identified need can best be served by granting the change requested;**
 - c. The proposed change complies with the Statewide Planning Goals; and,**
 - d. The proposed change complies with all other elements of the City's Comprehensive Plan.**
- viii. Recreation Commercial: To provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community. [Sweet Home Comprehensive Plan, Table 11]**
- ix. Low Density Residential: To provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches). [Sweet Home Comprehensive Plan, Table 7]**

Staff Findings: The applicant is proposing to change the zoning and comprehensive plan maps of a 3.65 acre property and a 0.75 acre property, identified on the Linn County Assessor's Map as 13S01E27C Tax Lots 109 and 113 (Attachment A). The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from Recreation Commercial (RC) to Residential Low Density (R-1). As stated in the comprehensive plan, zoning implements the

comprehensive plan. The proposed change would be to the comprehensive plan map designation and the zoning map. Therefore, the proposed zoning would implement the comprehensive plan after the proposed change.

Comprehensive Plan Chapter 8, Plan Management states that updating the comprehensive plan may be completed to accurately reflect changes in the community. The purpose of the Planned Recreation Commercial comprehensive plan designation is, "to provide and maintain areas that possess unique characteristics for recreational commercial development that caters to tourist and recreational activities. Development should maintain or enhance the appearance of the area and its unique value to the community." While the purpose of the Low Density Residential comprehensive plan designation is, "to provide areas suitable and desirable for single-family homes, and appropriate community facilities (e.g., schools, parks, and churches)." The Recreation Commercial (RC) zone allows: "Residential uses related to or in conjunction with a recreational development" or "Single-family dwellings on legal lots of record at the time of enactment of this chapter".

Based on the Linn County 2017 aerial photograph the area is primarily surrounded by single-family residences. The applicant states a desire to develop Tax Lot 109 with more than one single family residence. The proposed change may allow the applicant to develop the property with more than one single family residence if the property was partitioned in the future. The existing zoning only allows residential development on legal lots of record or in conjunction with a recreational development. However, the proposed Residential Low Density (R-1) zone allows single-family dwellings outright. Staff finds that the proposed map change would be consistent with the surrounding property to the east which is designated residential. Furthermore, the proposed zone change would bring the zoning designation into conformity with the property's original zoning designation of R-1 prior to 1999 (CS 22571, Partition #1999-42).

The proposed comprehensive map change follows the procedural requirements in comprehensive plan Chapter 2, Plan Amendment Policies 2 and 3.

Based on the findings above the proposed zoning and comprehensive plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]**

Staff Findings: The applicant states that the proposed zoning map and comprehensive map amendment would be consistent with the pattern of development in the area. Based on the 2017 Linn County aerial photograph Staff finds that the subject property is primarily surrounded by single-family residences. Furthermore, the subject property is surrounded by Residential Low Density (R-1) zoned properties. Therefore, the existing development pattern and future development in the area and surrounding land uses warrant the proposed amendment.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]**

Staff Findings: Based on comments the City of Sweet Home Staff Engineer, no water or sanitary sewer services are available at the ends of the streets. Both can be extended from 53rd Avenue. The subject property has frontage along Highway 20, Nandina Street, Osage Street, and 52nd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with single-family residences in the future. Staff finds that utilities and services could

be efficiently provided to serve the proposed use of single-family residences or other potential uses in the proposed zoning district.

The application complies with this criterion.

4. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]

Staff Findings: The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. The Oregon Statewide Land Use Planning program has a set of 19 Statewide Planning Goals. These Goals are mandated by the state to be in conformance with the City of Sweet Home Comprehensive Plan. In order to be consistent with Oregon's statewide planning goals, the applicant's request must remain in conformance with the Comprehensive Plan. The Planned Recreation Commercial designation provides for a mixture of commercial and residential uses associated with recreational development, while the Low Density Residential designation provides appropriate lands for low density, single-family home. The statewide planning goals pertinent to the application are listed below:

1. Statewide Planning Goal 2 is Land Use Planning, (OAR 660-015-0000(2)) with a purpose to establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions. The City of Sweet Home uses their adopted Municipal Code to describe the land use planning process and has an acknowledged Comprehensive Plan that is in compliance with Statewide Planning Goals.
2. Statewide Planning Goal 9, Economic Development, (OAR 660-015-000(9)) has a purpose to provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens. Policy 10 of the Comprehensive Plan states that the area provides for a mixture of commercial and residential uses associated with recreational development. It further states that the purpose of Recreation Commercial is to provide and maintain areas that possess unique characteristics for recreational commercial development that is suitable and desirable for businesses catering to tourist and recreational activity. This subject property currently has limited opportunity for commercial development. This area is not desirable for businesses at this time, as other, more appropriate land is available for commercial and tourism related businesses.
3. Statewide Planning Goal 10, Housing, is applicable to the proposed zone change and comprehensive map change. Oregon Administrative Rule (OAR) 660-008 states: "The purpose of this division is to ensure opportunity for the provision of adequate numbers of needed housing units, the efficient use of buildable land within urban growth boundaries, and to provide greater certainty in the development process so as to reduce housing costs." The City of Sweet Home completed a Housing Needs Assessment (HNA) in 2000, which identified the cities buildable land. Staff finds that the proposed zone change, and comprehensive map amendment would allow additional land within the city to be developed.
4. Statewide Planning Goal 11, Public Facilities and Services, (OAR 660-015-000(11)) has a purpose to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Since the subject property is within the city's service area for public utilities, with adequate service to the site required for the proposed development.

Staff submitted a notice to the Department of Land Conservation and Development (DLCD) 35 days prior to the first evidentiary hearing. As of writing this staff report no comments were

received from DLCD. Staff finds that the proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

The application complies with this criterion.

- 5. OAR 660-012-0060(1).** If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:
- i. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
 - ii. Change standards implementing a functional classification system; or
 - iii. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - a. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - b. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - c. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing frontage along Santiam Highway (Highway 20), Nandina Street, 52nd Avenue, and Osage Street. Highway 20 is identified as a Major Arterial and 53rd Avenue is identified as a collector in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in the comprehensive plan designation from Planned Recreation Commercial to the Low Density Residential. The applicant has proposed a change in zoning from the Recreation Commercial (RC) zone to the Residential Low Density (R-1) zone. No comments from ODOT have been received as of the writing of this staff report. The proposed use would be consistent with the previous map designation and the previous zoning. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan. The proposed zone change and comprehensive plan amendment does not significantly affect a transportation facility for the purposes of the Transportation Planning Rule (TPR) and therefore complies with the TPR.

The application complies with this criterion.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings listed in Section III of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for a zone change and comprehensive map amendment, staff has not recommended any conditions of approval.

V. PLANNING COMMISSION ACTION

In taking action on a zone change and comprehensive map amendment application, the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and make a decision on this application.

Motion:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to recommend that the City Council approve application ZMA 19-03; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 19-03 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Map
- C. Zoning Map
- D. Comprehensive Plan Map
- E. Aerial Photograph
- F. Planning Application Form