



City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

**Application for an Amendment to the
Comprehensive Plan or Zoning
Maps or Text**

Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Date Received: 02.22.21
Date Complete: 02.23.21
File Number: ZMA21-01

Map/Text Amendment Application Fee \$: \$1,030.00

Zoning Application Fee \$: \$1,030.00

Receipt #: 4241

Planning Commission Hearing Date: 04.05.21

City Council Hearing Date: 04.27.21

Applicant's Name:

Laura LaRoque, Udell Engineering and Land Surveying, LLC

Applicant's Address:

63 E. Ash Street, Lebanon, OR 97355

Applicant's Phone and e-mail:

541-990-8861 / laura@udelleng.com

Property Owner:

Jeremy Kinzer

Owner's Address:

P.O. Box 986 Lebanon, OR 97355

Owner's Phone and email:

541-350-3009 / jeremykinzer@yahoo.com

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:

4347 Hwy. 20, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

13S01E28DC02500

Subject Property Size:

0.46-acres

Current Zoning Classification

Low Density Residential (R1)

Current Comprehensive Plan Classification:

Highway Commercial

Purpose of Request

Zone Map Amendment to amend the zoning designation from the Low Density Residential zoning designation to the Highway Commercial (C2) zoning designation.

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:

Proposed language for change.

Attach proposed text to this form.

Purpose of Request

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

Date:

2-4-21

Property Owner's Signature:

Date:

2/4/21

ZONE MAP AMENDMENT APPLICATION

Submitted to:	Sweet Home Planning Department 1140 12 th Avenue Ste. A Sweet Home, OR 97386
Applicants/Property Owners:	Jeremy Kinzer P.O. Box 986 Lebanon, OR 97355
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355
	Contact: Laura LaRoque Email: laura@udelleng.com Phone: (541) 990-8661
Site Location:	4347 Hwy. 20
Linn County Assessor's Map No.:	13S-01E-28DC Tax Lot 2500
Site Size:	±0.46-acres
Existing Land Use:	Unimproved
Zone Designation:	Residential Low Density (R1)
Comprehensive Plan Designation:	Highway Commercial
Surrounding Zoning:	North: C2 (across Hwy. 20) South: C2 East: C2 (across 44 th Avenue) West: C2
Surrounding Uses:	North: Commercial – Hair Salon/Vehicle Service South: Residential East: Government – US Forest Service West: Commercial – S. Fork Trading Company



18-026 Kinzer
4347 Hwy. 20
ZC Application

February 15, 2021
Page 1 of 9

I. Executive Summary

The proposal is a request to rezone an existing ±0.46-acres vacant parcel from Residential Low Density (R1) Zone to the Highway Commercial (C2) Zone. Subject property is located south of the Santiam Highway/Highway 20 and west of 44th Avenue intersection at 4347 Highway 20. The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

The criteria for amending the Sweet Home Zone Map are found in Sweet Home Municipal Code (SHMC) 17.12.025 and are addressed in the applicant's narrative below. This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

II. Analysis of Development Code Criteria

According to Sweet Home Municipal Code (SHMC) 17.12.010, a quasi-judicial zone map amendment may be initiated by a property owner, representative of the property owner, the City Manager, the Planning Commission, or the City Council.

According to SHMC 17.12.100, the application submittal requirements include an application authorization form, plans, and specifications drawn to scale and showing the actual shape and dimensions of the lot to be built upon; the size and location on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with Section 17.

III. Review Criteria

SHMC 17.12.025 includes the following review criteria that must be met for a property line adjustment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.

1.1 The subject property is zoned Residential Low Density (R1) with a Highway Commercial Plan designation. The proposed zoning designation is Highway Commercial (C2). The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

1.2 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44th Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

1.3 According to 17.24.010 of the SHMC, the R1 zoning district is intended to provide areas suitable and desirable for single-family homes, associated public services uses, and duplexes on corner lots. The R1 zone is most appropriate in areas which have developed,

or will develop, with single-family homes at a density which warrants provision of public water and sewer facilities.

- 1.4 According to 17.36.010 of the SHMC, the C2 zoning district is intended to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in an area along or near U.S. Highway 20, east and west of downtown Sweet Home, which has been developed with commercial activities or which have the potential for such activities if sufficient vehicular access control is maintained.
- 1.5 According to Table 1 of the Sweet Home Comprehensive Plan, the purpose of the Highway Commercial land use designation is to provide an area suitable and desirable for retail and service firms, offices, financial institutions, and other uses appropriate in the intensively developed commercial center of the community.
- 1.6 For the following reasons, the applicant concludes that the subject property is poorly aligned with the intent and purpose of the R1 zoning district: 1) the site's frontage on a state highway is more desirable for a commercial enterprise as opposed to a single-family dwelling due to the high traffic volume and highway visibility; 2) there is no residential pattern of development adjoining this property, nor is the subject property located in a "residential neighborhood;" 3) the proposed zone map amendment will serve as a transitional or buffer zone between the highway and residentially zoned properties approximately 100 feet to the south.
- 1.7 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed C2 zoning designation is "consistent" with the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed in ***bold italic*** print.

Statewide Planning Goal 1: Citizen Involvement

Goal: The opportunity for citizens to be involved with all phases of the planning process.

Sweet Home Citizen Involvement Policies 1- 7

Sweet Home Comprehensive Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.

Sweet Home Plan Policy 1: The City Council may amend the Comprehensive Plan after referral to the Planning Commission for review, revisions, and recommendations.

Sweet Home Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.

- 1.8 In Type IV quasi-judicial proceedings conducted for zoning map amendments as proposed by the applicant, the SHMC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. Notice was mailed to surrounding property owners within 300 feet of the subject site and to affected government agencies. Notice of these public hearings were published in a newspaper of general circulation.

Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments. People who are notified of the public hearings are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the applications are based on the review criteria listed in the Development Code. The purpose of the public hearing is to provide the opportunity for people to express their opinion about the proposed changes. The planning commission and city council facilitate this process through their respective public hearings.

Statewide Planning Goal 2: Land Use Planning

Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Sweet Home General Development Policy 1: Land allocation for the various uses (residential, commercial, and industrial) will be based on anticipated needs for development.

Sweet Home General Development Policy 2: The City of Sweet Home will encourage development contiguous to existing public services and transportation improvements. This type of development pattern shall be promoted as it will maintain public facility costs at the lowest possible level and provide the opportunity to coordinate development with the provision of services.

Comprehensive Plan Map Policy 1: The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by the 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.

Comprehensive Plan Map Policy 3: Where appropriate, the boundaries of land use designations as depicted on the map generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, the foot of slopes, and benches. In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply to the vacated street or alley.

Plan Amendment Policy 4: An amendment to the Comprehensive Plan shall be considered when one or more of the following conditions exist: a. Updated data demonstrates significantly different trends than previous data; b. New data reflects new or previously undisclosed public needs; c. New community attitude represents a significant departure from previous attitude as reflected by the Planning Commission or City Council; d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

Plan Amendment Policy 5: 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 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.

1.9 According to the Sweet Home Comprehensive Plan, "The Comprehensive Plan Map is a visual complement to the Comprehensive Plan Text. It shows the location of each Land Use Designation. In that sense, the map acts as a visual guide for citizens and policymakers that will help encourage sound development during the 20-year planning period." The subject site is designated as Highway Commercial on the Comprehensive Plan Map.

1.10 The Economy Element of the Comprehensive Plan has not been updated since it's adoption in 2001 and was based on data from the 1990's. Therefore, the demonstration of need is based on the 2017, Sweet Home Economic Opportunities Analysis (EOA) as opposed to the Economy Element of the Comprehensive Plan.

Exhibit 1 in the EOA shows unconstrained buildable land by plan designation. A total of 28 unconstrained buildable acres have been identified in EOA under the Highway Commercial Plan Designation. A surplus of 18 acres of commercial land was identified after applying employment land demand by plan designation. However, not all identified acres are development-ready when taking into consideration factors such as property owner interest in developing, access to streets and utilities, and cost of any necessary public improvements.

Adding a surplus of ± 0.46 -acres will have a marginal increase to the commercial land supply under the C2 zoning district. However, the subject property is development ready. Therefore, the marginal increase will help ensure there is an adequate supply of C2 zoned land that is ready and able to be developed in a wide range of commercial economic enterprises.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

1.11 The subject property does not contain any known natural or historic resources. Therefore, these policies are not applicable.

Statewide Planning Goal 9: Economic Development

Goal: To provide land suitable for economic growth.

Sweet Home Economic Development Policy 6: The Highway Commercial designation provides for uses that have large size requirements, or that are oriented to highway access.

Sweet Home Economic Development Policy 7: Sweet Home will require businesses in the Highway Commercial zone to have plans showing the design for vehicular traffic, and that address pedestrian and bicycle needs.

- 1.12 The C2 zone allows for both commercial and residential land uses whereas the R1 zone is limited primarily to residential uses. Likewise, the C2 zone also permits a wider range of residential dwelling types than the R1 zone. Specifically, multi-family housing of three or more units is permitted outright in the C2 zone, whereas they are prohibited in the R1 zone. Additionally, two-family units are permitted outright in the C2 zone, whereas they are prohibited on interior lots in the R1 zone. Therefore, the proposed zone change from R1 to C2 provides greater flexibility in balancing the need for jobs and housing in Sweet Home.

Statewide Planning Goal 10: Housing

Goal: To provide for the housing needs of citizens of the state

Residential Land Use Policy 1: Residential areas will offer a wide variety of housing types in locations best suited to each housing type.

- 1.13 Although the C2 zoning district does not technically qualify as “residentially-zoned land,” residential uses are permitted in the zone, including single-family and multi-family units.

Statewide Planning Goal 12: Transportation

Goal: To provide a safe, convenient, and economic transportation system.

Oregon Administrative Rule (OAR) 660-012-0060(1)

(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.

(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.

1.14 The site is located on the south side of Highway 20 to the west of the 44th Avenue intersection.

1.15 The Transportation Planning Rule, OAR 660-012-0060(1), requires a local government to put in place certain mitigation measures if an amendment to a land use regulation (including a map amendment) would “significantly affect” an existing or planned transportation facility. OAR 660-012-0060(9) provides that the “local government may find that an amendment to zoning map does not significantly affect an existing or planned transportation facility” if all the requirements in subsections (a)-(c) are met.

1.16 OAR 660-012-0060(9)(a) requires that the proposed zoning map amendment be consistent with the existing comprehensive plan map designation, and the map amendment does not change the comprehensive plan map. As stated previously, a comprehensive plan map amendment is not proposed with this application.

1.17 OAR 660-012-0060(9)(b) requires that the local government has an acknowledged Transportation System Plan (TSP) and that the proposed zoning map amendment is consistent with the TSP. The Sweet Home 2005 TSP was acknowledged by DLCD, and the proposed zone change is consistent with the TSP and does not adversely affect TSP policies or projects.

1.18 OAR 660-012-0060(9)(c) requires that the area subject to the proposed zoning map amendment not be subject to an exemption from the TPR standards pursuant to a prior UGB amendment or TSP amendment to account for urbanization of the area. The subject site is within the Sweet Home UGB and city limits, so this criterion is not applicable.

1.19 Because the proposed zoning map amendment meets all the criteria of OAR 660-012-0060(9)(a)-(c), the proposed amendment does not “significantly affect” an existing or planned transportation facility under OAR 660-012-0060(1), and no mitigation measures under that rule are required. Therefore, the proposal complies with the Transportation Planning Rule, OAR 660-012-0060.

Statewide Planning Goal 14: Urbanization

Goal: To provide for an orderly and efficient transition from rural to urban land use

1.20 The subject property is vacant and fully served with City of Sweet Home water, sanitary sewer, storm drainage, and police and fire service. The property is located on an arterial street adjacent to employment and public services and in proximity to residential neighborhoods. Development of the property with residential, commercial, or mixed-use



18-026 Kinzer
4347 Hwy. 20
ZC Application

February 15, 2021
Page 7 of 9

would enable Sweet Home residents to live and work in close proximity to nearby neighborhoods, public transit and activity centers.

B. 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.

2.1 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44th Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

2.2 The 0.46-acre site is currently unimproved. At urban densities, the site is large enough to be developed. City services including water, sanitary sewer, storm drainage, and streets are either available or could be improved to serve future development. Therefore, the proposed zone map amendment is timely and efficient. This criterion is met.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

3.1 Sanitary Sewer: City utility maps show an 8-inch public sanitary sewer main in Santiam Highway/Highway 20. The City's Wastewater Collection System Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public sanitary sewer system. The existing public sanitary sewer facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.2 Water: City utility maps show a 12-inch public water main in Santiam Highway/Highway 20. The City's Water Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public water system. The existing public water facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.3 Storm Drainage: Santiam Highway (Highway 20) is an ODOT right-of-way under the jurisdiction of the State. Future development on the subject property, regardless of the zoning designation, is likely to require the construction of on-site stormwater detention facilities as well as stormwater quality facilities. The detention facilities are typically designed to restrict stormwater discharge from the site to predevelopment rates, which should mitigate potential impacts to the public storm drainage system in Pacific Boulevard. Because Santiam Highway/Highway 20 is a State highway and under the jurisdiction of ODOT, any future development on the subject property would be subject to ODOT requirements pertaining to stormwater discharge to the highway drainage system.

3.4 Public utilities (sanitary sewer, water, storm drainage) are adequate to serve potential development on the subject property under the proposed C2 zoning designation.

3.5 Any specific utility requirements for future development would be determined at the time of land use application for the development. Therefore, this criterion is met.

D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

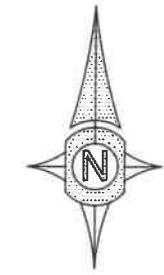
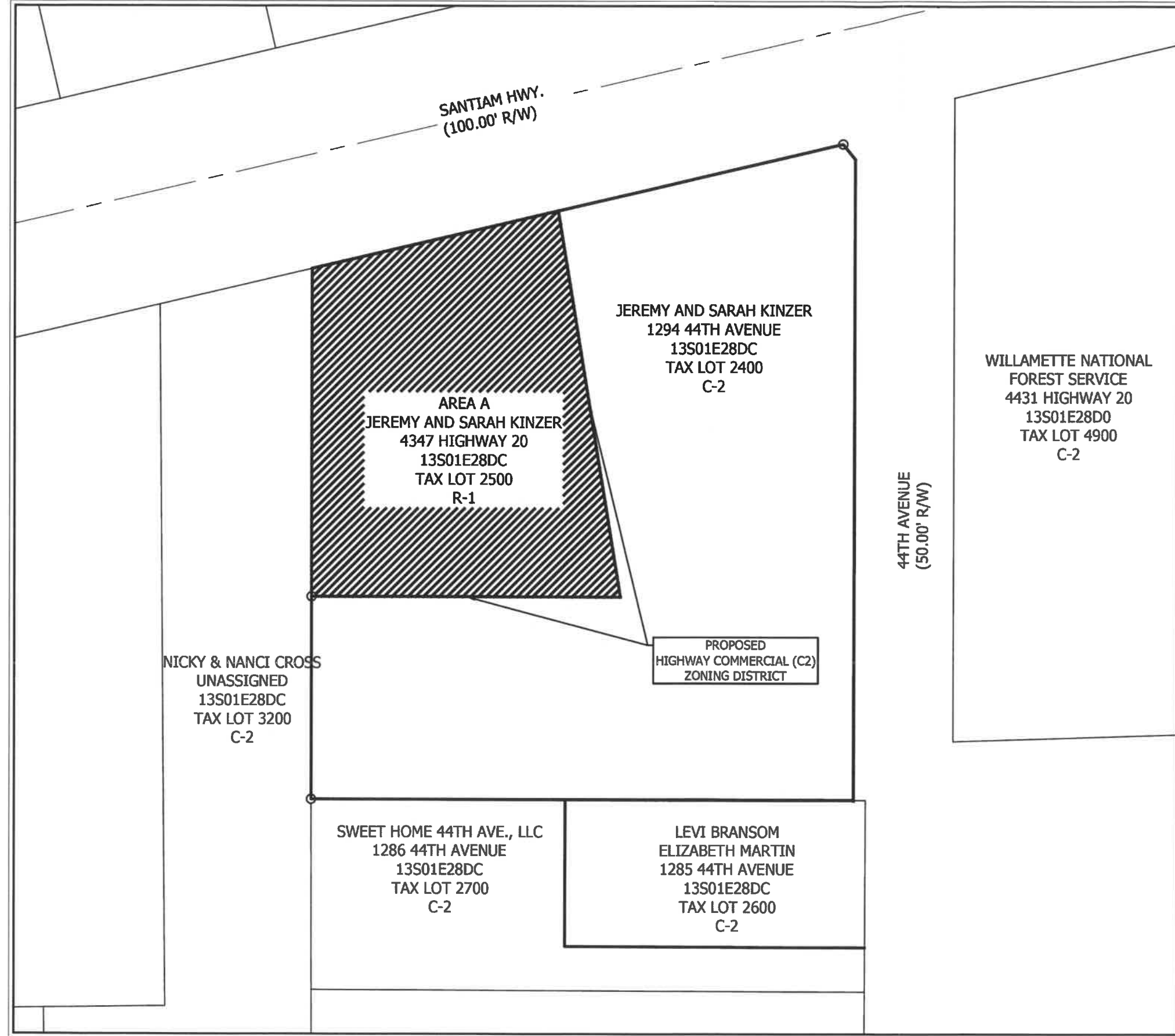
4.1 A comprehensive plan map amendment is not proposed with this application. Therefore, is review criterion is not applicable.

IV. OVERALL CONCLUSION

Based on the above analysis, the proposed zone map amendment meets all the applicable review criteria as outlined above.

V. ATTACHMENTS

- A. Site Map
- B. Sweet Home Zone Map
- C. Sweet Home Comprehensive Plan Map



SCALE: 1"= 50'

0' 50'

PROPERTY INFORMATION

AREA A:
ZONING: LOW DENSITY RESIDENTIAL (R1)
AREA: 0.46-AC.
LAND USE: VACANT
OWNER: JEREMY AND SARAH KINZER
ADDRESS: 4347 HIGHWAY 20
ASSESSORS MAP: 13S01E28DC
TAX LOT: 2500

LEGEND

R/W RIGHT OF WAY
AC ACRES
(P) PROPOSED
(E) EXISTING

**UDELL ENGINEERING
AND
LAND SURVEYING, LLC**
63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

ZONE MAP AMENDMENT

JEREMY KINZER
4347 HWY. 20
SWEET HOME, OREGON

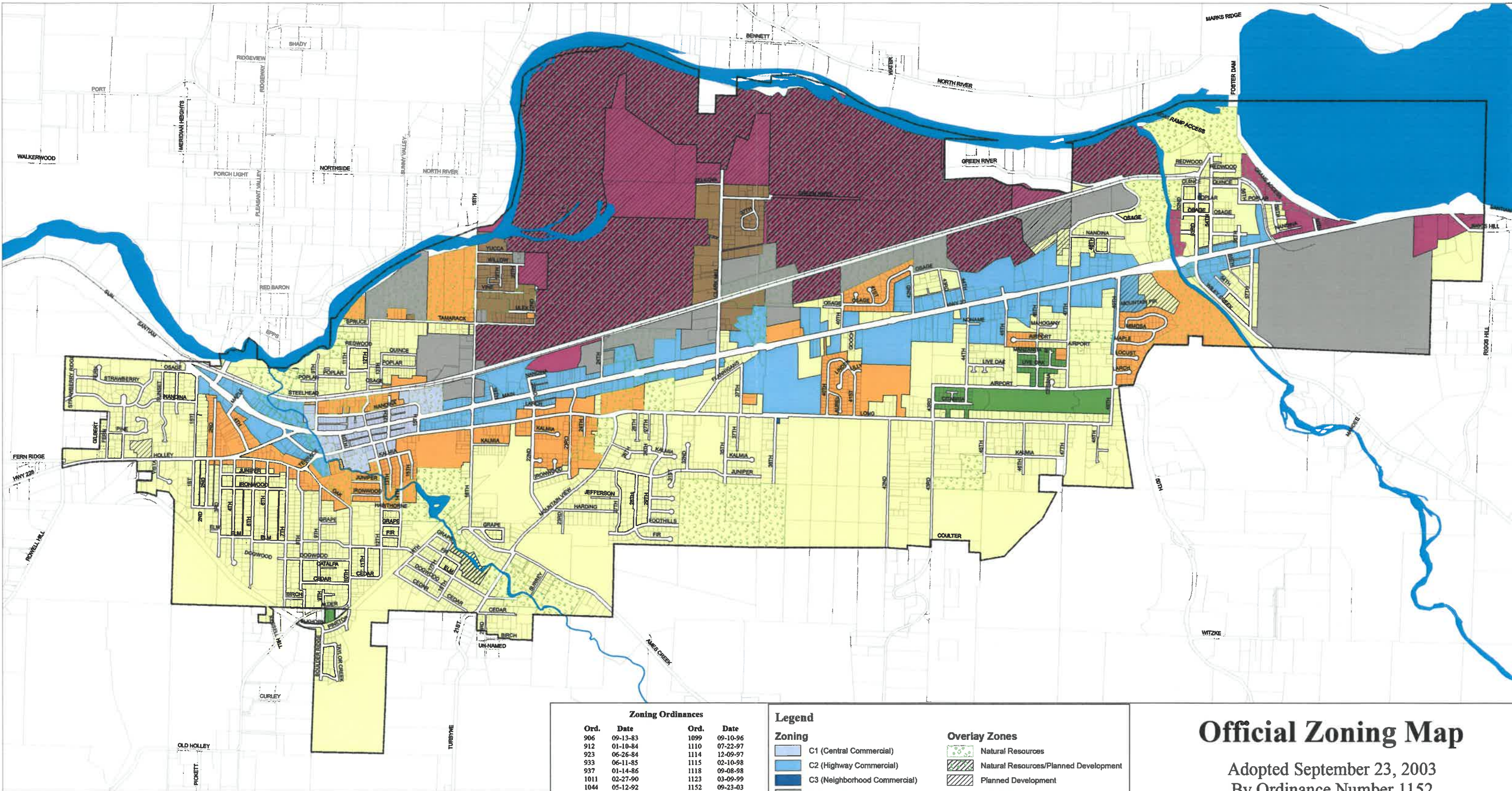
Date: 2/15/2021
Project: 19-026 KINZER PLA
Drawn by: LL
Checked by: KWL



SHEET 1
of 1

SCALE: AS NOTED

Sweet Home Zoning



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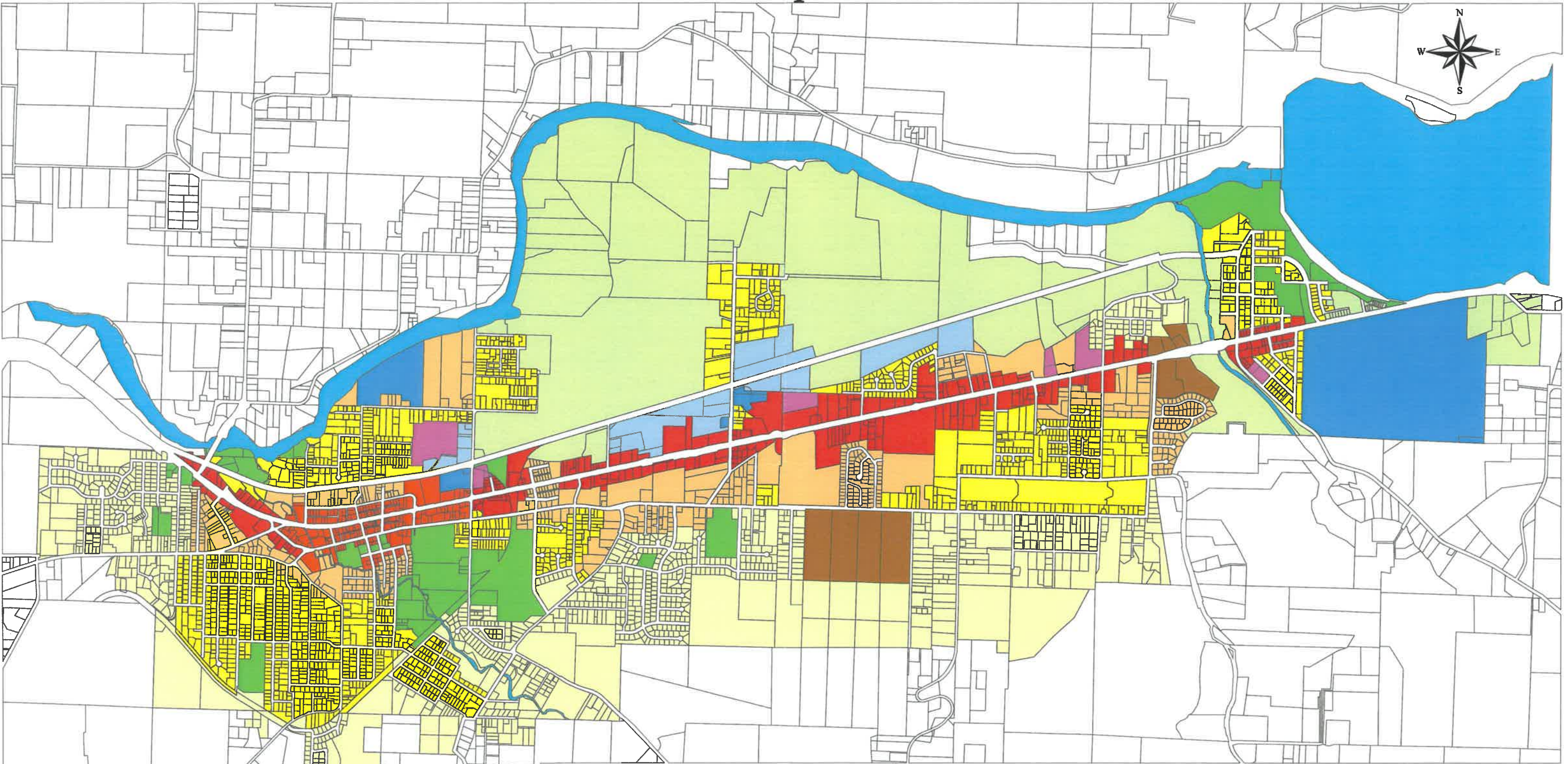
Created By:
City of Sweet Home
Community Development
541-367-8113

Zoning Ordinances			
Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1070	04-26-94	1181	03-14-06
1080	11-08-94	1192	07-24-07
1081	12-13-94	1193	09-11-07
1083	06-19-96	1197	12-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
1105	05-27-97		

Legend	
Zoning	
	C1 (Central Commercial)
	C2 (Highway Commercial)
	C3 (Neighborhood Commercial)
	M (Industrial)
	R1 (Low Density Residential)
	R2 (High Density Residential)
	R3 (Medium Density Residential)
	RC (Recreation Commercial)
	RMT (Residential Industrial Transition)
Overlay Zones	
	Natural Resources
	Natural Resources/Planned Development
	Planned Development
	City Limits
	Taxlots
	Lakes, Rivers, Streams
	Railway

Official Zoning Map
Adopted September 23, 2003
By Ordinance Number 1152
Updated by Later Zoning Ordinances
0 0.5 1 Miles
1 inch equals 0.16 miles

Sweet Home Comprehensive Plan



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Revised by SV 1/09/09

Created By:
City of Sweet Home
Community Development
541-367-8113

AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07

Legend

CompPlan

- Central Commercial
- General Industry
- Heavy Industrial
- High Density Residential
- Highway Commercial
- Light Industrial
- Low Density Residential
- Medium Density Residential
- Mixed Use Residential
- Planned Recreation Commercial
- Public

- Taxlots
- Lakes, Rivers, Streams

Official Comprehensive Plan Map

Adopted September 23, 2003

By Ordinance Number 1151

Updated by Later Annexation Ordinances

0 0.5 1 Miles

1 inch equals 0.32 miles