



City of Sweet Home

Community and Economic Development Department- Planning Program

3225 Main Street, Sweet Home, OR 97386 541-367-8113

In the matter of the
Zone Map Amendment
request by James Hurley

) Zone Map Amendment
) File No. ZMA25-01
)

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

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The applicant is proposing to amend the Zoning Map in an area consisting of approximately 86,358 square feet, located in Sweet Home, OR 97386 (13S01E32AA Tax Lot 500). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Residential High Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. 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 decide on this application.

Application ZMA25-01 was filed simultaneously with Application P25-07. Approval of Application ZMA25-01 is not contingent on the approval of Application P25-07.

APPLICANT &

PROPERTY OWNER: James Hurley

FILE NUMBER: ZMA25-01

PROPERTY LOCATION: Sweet Home, OR 97386, Identified on the Linn County Assessor's Map as 13S01E32AA Tax Lot 00500.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10, 17.14, 17.90, 17.114, 17.128, 17.30, 17.32, OAR 660-012-0060

STAFF CONTACT:

Angela Clegg, Planning and Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

- I. **PUBLIC HEARING:** On September 18, 2025, the Sweet Home Planning Commission held a public hearing to review application ZMA25-01. The Commission heard testimony, deliberated, and voted to recommend approval of the application to City Council. The motion included a 21-day appeal period beginning on the date the decision notice is mailed. No conditions of approval were attached.
- II. **FINDINGS OF FACT:** The Commission considered the full record, testimony received, and the Findings of Fact outlined in the Staff Report prepared in advance of the hearing. The Commission adopted the Findings of Fact contained in Section III of the Staff Report. The applicant seeks to

rezone the property to Residential High Density (R-3) to bring the zoning into conformance with the existing Comprehensive Plan designation. Section III of the Staff Report is attached to this Order as Exhibit A.

- III. **DECISION:** Based on the Findings referenced in Exhibit A, the Planning Commission determined that application ZMA25-01 complies with the applicable sections of the Sweet Home Municipal Code. The Commission therefore approves application ZMA25-01 and recommends approval by City Council.
- IV. **APPEALS:** All Type IV land use decisions of the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.

PLANNING COMMISSION DECISION: September 18, 2025

APPEAL DEADLINE: October 15, 2025

CITY COUNCIL MEETING: October 14, 2025 at 6:30 PM



Laura Wood, Planning Commission Chairman

9/25/25
Date



Angela Clegg, Planning and Building Manager

09.25.25
Date

Planning commission action The Planning Commission action on a Type IV request shall be in the form of a recommendation to the City Council. Within 7 days of the Planning Commission decision, the applicant and all individuals who requested notice of the decision, shall be mailed written notice of the Planning Commission decision. The notice shall specify findings justifying the recommendation to approve or deny the request and any recommended conditions of approval.

City council hearing. Subsequent to the Planning Commission hearing, City staff shall schedule a hearing before the City Council. Notice shall be provided as per Chapter 17.126.01. The City Council shall conduct the hearing consistent with procedures set forth in Chapter 17.132. The City Council and Planning Commission hearings can be combined if approved by the Mayor.

Notice of city council decision. Within 7 days of the final City Council decision, the applicant and all individuals who requested notice of the decision, shall be mailed written notice of the City Council decision. The notice shall specify findings justifying the approval or denial of the request and any applicable conditions of approval. City Council approval shall be in the form of an ordinance; a denial shall be in a form acceptable to the City Council.

Appeals. All Type IV land use decisions of the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures. 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.

If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 818-8029.

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) 818-8029.

Exhibit A to Order of Approval for ZMA25-01

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

Applicants Comment: Property is currently zoned R-1 and is listed as R-3 on the Comp Plan. New zone of R-3 compatible with Comp Plan.

Staff Findings: The subject property has a Comprehensive Plan designation of Residential High Density (R-3). The proposed amendment to the Sweet Home Zoning Map would change the zoning from Residential Low Density (R-1) to Residential High Density (R-3). This change would align the zoning designation with the property's existing Comprehensive Plan Map designation and is consistent with the description and policies of the R-3 Zone.

Based on this information, staff finds that the application meets the criterion that the proposed zone is appropriate for the Comprehensive Plan land use designation and is consistent with the description and policies of the applicable classification.

B. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity.

Applicants Comment: Yes, the proposed zone R-3 from Comp Plan can accommodate proposed usage.

Staff Findings: The uses permitted under SHMC 17.14.020, 17.14.030, and 17.14.040 can be accommodated on the subject property without exceeding its physical capacity. The property is approximately 86,358 square feet (±2.02 acres). In the R-3 Zone, density standards allow no more than one residential structure per lot or parcel for single-family attached, single-family detached, and duplex units (with the exception of an approved accessory dwelling unit), at a maximum density of 12 dwelling units per net acre. For multi-family housing, the R-3 Zone allows a maximum density of 28 dwelling units per net acre.

Based on this information, staff finds that the application meets the criterion that permitted uses in the proposed zone can be accommodated on the site without exceeding its physical capacity.

C. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code.

Applicants Comment: Yes, with the zone change the land can be developed per code/comp plan to help meet housing needs.

Staff Findings: All development in the R-3 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements: [SHMC 17.14.070].

- A. Off-street parking. All single-family homes and duplexes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44.

- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. *Other*. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

Based on the above information, staff finds that the application meets the criterion that allowed uses in the proposed zone can be established in compliance with the development requirements.

D. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property.

Applicants Comments: Property is one block from Hwy 20 which is a major Hwy through Sweet Home. Other services will be extended to the property.

Staff Findings: The existing dwelling is currently served by City water and sewer from Clark Mill Road. If the remainder of the lot is developed, adequate services are available to support additional dwellings.

Clark Mill Road functions as a connector between Main Street and Long Street, with Flannigan's Road intersecting just south of the subject property. This provides an adequate transportation network linking the site to the arterial roadways.

The cost of City service connections will be determined during the development application review. Public facilities, utilities, and transportation networks are either in place or planned to be provided concurrently with future development.

No development is proposed with this application.

Staff finds that the application satisfies the criterion requiring adequate public facilities, services, and transportation networks.

Goal 10 Housing Findings: Adequate access to public facilities ensures that both parcels can support residential development in a manner consistent with Goal 10. The flagpole access for Parcel 2 provides sufficient street connectivity to allow for future higher-density development, thereby contributing to the City's housing supply. Reliable access also supports equitable distribution of housing opportunities by ensuring that higher-density residential uses can be accommodated without undue barriers to development.

E. For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met.

Applicants Comment: Yes, R-3 zone will be suitable for the proposed development being considered also suitable for the closeness to Hwy 20.

Staff Findings: The purpose of the R-3 Zone is to provide areas suitable for high-density residential development, particularly apartments, while also allowing other residential types and related public service uses. The R-3 Zone is most appropriate in areas already developed for high-density housing or in locations suitable for such use because of their proximity to downtown Sweet Home and highway-related commercial areas within the City (SHMC 17.14.010). No development is proposed with this application.

Goal 10 Housing Findings: Goal 10 requires cities to plan for the housing needs of all Oregonians by providing adequate buildable land and a variety of housing types and densities. The City of Sweet Home's most recently adopted Housing Needs Analysis (HNA) identifies a need for additional higher-density housing to meet projected growth and affordability targets.

Re-designating and rezoning the subject property from R-1 to R-3 increases the flexibility of future housing development and supports the production of attached and multifamily housing types. Applying the Department of Land Conservation and Development's (DLCD) "3% rule," Sweet Home may assume up to a 3% increase in housing capacity by allowing middle housing types on land where they were previously restricted. This amendment therefore helps address the identified housing deficit by expanding the supply of buildable land available for a variety of housing options.

The lot configuration as proposed allows for the efficient use of urban land, which is consistent with Goal 10's directive to ensure an adequate supply of buildable residential land. Parcel 1 accommodates existing development, while Parcel 2 maintains sufficient size and frontage for higher-density residential development under the proposed R-3 zone. By facilitating more efficient site design and the possibility of multiple housing units on Parcel 2, the application supports Goal 10's emphasis on providing a range of housing opportunities.