



In the matter of the) Zone Map Amendment
 Zone Map Amendment) File No. ZMA23-01
 request by City of Sweet Home, SHSD, SDFD)

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

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The City of Sweet Home, Sweet Home School District, and Sweet Home Fire District are proposing to change the Zoning Map for their properties, consisting of approximately 425 acres, located in Sweet Home, OR 97386 (see the attached map). The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Recreation Commercial (RC) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone. 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 ZMA23-02 is being filed simultaneously with Application CMA23-01. The subject properties that do not have a Comprehensive Plan Designation of Public Facility (PF) will be pending the approval of Application of CMA23-01 to complete the Zone Map Amendment proposed in Application ZMA23-02.

APPLICANT: The City of Sweet Home

PROPERTY OWNER: City of Sweet Home, Sweet Home School District, Sweet Home Fire District

FILE NUMBER: ZMA23-02

PROPERTY LOCATION: Various Tax Lots, Sweet Home, OR 97386 (see Attachments A and B)

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.24, 17.114, OAR 660-012-0060

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on May 4, 2023. At the hearing the Planning Commission reviewed application ZMA23-02. The Planning Commission received testimony and deliberated on this matter at their May 4, 2023 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 May 4, 2023 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 May 4, 2023 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report. The applicants are requesting to change the zone map to Public Facility (PF) to bring the zoning into conformance with the existing and approved comprehensive plan zoning designation. Section III of the Staff Report is included as Exhibit A to this Order.
- III. **DECISION: Approved** the motion to recommend the application to City Council on May 4, 2023. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in ZMA23-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA23-02 and recommends approval by the 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: May 4, 2023
APPEAL DEADLINE: May 16, 2023 at 5:00 PM
CITY COUNCIL MEETING: May 23, 2023 at 6:30 PM

 Henry Wolthuis, Planning Commission Vice Chair	<u>5.16.23</u> Date
 Blair Larsen, Community and Economic Development Director	<u>5/16/23</u> 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 (21 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 ZMA23-01

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

A. Zone changes shall be reviewed in accordance with the Type IV review procedures specified in Chapter 17.128. [SHMC 17.114.020]

Staff Findings: The application for the Zone Map Amendment was reviewed in accordance with SHMC 17.128.010 (B).

Based on the above information, staff find that the application complies with this criterion.

B. An application for a zone change shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.128. [SHMC 17.114.030]

Staff Findings: The application was received and deemed completed on March 17, 2023. Notices were sent per SHMC 17.128.010(D)(1-7). Notices were emailed and mailed via US Postal Service on March 21, 2023. Notice was posted in the New Era newspaper on March 29, 2023.

Based on the above information, staff find that the application complies with this criterion.

C. The applicant shall submit an application and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. A site plan shall not be required to initiate a Zone Map amendment. [SHMC 17.114.040]

Staff Findings: The applicant submitted the application, a narrative, a site plan, and list of affected properties on March 17, 2023.

Based on the above information, staff find that the application complies with this criterion.

D. 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 [SHMC 17.114.050(A)].

Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01). A Comprehensive Plan Map amendment is being filed simultaneously for the subject properties not having a Public Facility comprehensive pan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The historic land use of the subject properties has been a public use. With the adoption of the Public Facility (PF) zone, the applicants are proposing to bring the zoning in conformance with the historic and continued use of each property.

Based on the above information, staff find that the application complies with this criterion.

E. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity [SHMC 17.114.050(B)].

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

F. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code [SHMC 17.114.050(C)].

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

G. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property [SHMC 17.114.050(D)].

Staff Findings: The use of the subject properties is not changing.

H. For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met [SHMC 17.114.050(E)].

Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01).

Based on the above information, staff find that the application complies with this criterion.

