

ORDINANCE BILL NO. 18 FOR 2023

ORDINANCE NO. \_

AN ORDINANCE AMENDING THE ZONING MAP

WHEREAS, the property owners 4L Ventures LLC and Evan Latimer, are proposing to change the Zoning Map for their property, consisting of approximately 88,577 square feet, located in Sweet Home, OR 97386; and

WHEREAS, the current Sweet Home Comprehensive Plan Map designation of the subject property is High Density Residential (R-3); and

WHEREAS, the current Zone Map designation of the subject property is Residential Low Density (R-1); and

WHEREAS, the Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to Residential High Density (R-3) Zone, which would bring it into conformity with the Comprehensive Plan Map; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on November 16, 2023 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 November 16, 2023, meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on December 12, 2023, with due notice of such public hearing, to provide opportunity for public comment and testimony. The City Council approved this application by motion at their December 12, 2023, meeting; and

WHEREAS, the proposed Residential High Density(R-3) zoning is requested 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 zoning map amendment application ZMA23-03 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.06 as the Zoning Map including all subsequent amendments, for the areas consisting of approximately 88,577 square feet located in Sweet Home, OR 97386 included as Exhibit B. The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to Residential High Density (R-3) Zone.

Passed by the Council and approved by the Mayor this 12<sup>th</sup> day of December 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder

## Exhibit A

### Findings of Fact in Support of Zone Change Application ZMA23-03

#### **Exhibit A to Order of Approval for ZMA23-03**

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.

Zone change proposals shall be approved if the applicant provides evidence substantiating the following:

**A. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification.**

Applicants Comments: See Pages 2 and 3 of the applicant's summary (Exhibit C).

Staff Findings: The subject property has a Comprehensive Plan designation of Residential High Density (R-3). 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 and is consistent with the description and policies of the R-3 Zone.

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

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

Applicant's Comments: See Pages 3 and 4 of the applicant's summary (Exhibit C).

Staff Findings: The uses permitted in SHMC 17.14.020, 17.14.030, and 17.14.040 can be accommodated on the subject property without exceeding its physical capacity. The subject property is approximately 88,577 square feet ( $\pm$ 20.02 acres). The R-3 zone density requirements for single family attached / detached homes and duplexes are no more than one residential structure per lot or parcel, other than an approved accessory dwelling unit; maximum of 12.0 dwelling units per net acre. The R-3 zone density requirements for multi-family is a maximum of 28 units per net acre.

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

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

Applicant's Comments: See Pages 4 and 5 of the applicant's summary (Exhibit C).

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 complies with this criterion.

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

Applicant's Comments: See Pages 5-7 of the applicant's summary (Exhibit C).

Staff Findings: The subject property is proposed to change from Residential Low Density (R-1) zone to the Residential High Density (R-3) zone. The zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation and is consistent with the Sweet Home Transportation System Plan (TSP). The Sweet Home infrastructure map and local wetland inventory map show a wetland/stormwater drainage identified as SSR-18C flowing through the northeast corner of the subject property and down the east property line. The Sweet Home infrastructure map shows a second stormwater drainage running from Long Street to 22<sup>nd</sup> Avenue (see Exhibit D). There Adequate public facilities, services and transportation networks are planned to be provided concurrently with the development of the property. No development has been proposed with this application.

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

Applicant's Comments: See Pages 7 and 8 of the applicant's summary (Exhibit C).

Staff Findings: The purpose of the R-3 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-3 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside The City. [SHMC 17.14.010]. The uses permitted in SHMC 17.14.020, 17.14.030, and 17.14.040 can be accommodated on the subject property without exceeding its physical capacity. No development has been proposed with this application.