

ORDINANCE BILL NO. 3 FOR 2020

ORDINANCE NO. 1283

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the City of Sweet Home submitted application Zone Change ZMA19-02 and requested a zone change for an area approximately 32.1 acres from the Residential Industrial Transition (RMT) Zone, Residential High Density (R-2) Zone and Industrial (M) Zone to the Residential Medium Density (R-3) Zone. The subject properties are located between Yucca Street to Tamarack Street, and 18th Avenue to 22nd Avenue, Sweet Home, OR 97386; and identified on the Linn County Assessor's Map as the Vernard Subdivision; 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-3 zoning is needed to bring the zoning designation into conformity with the properties' existing Comprehensive Plan Map designation and to facilitate development of the subject properties;

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 ZMA19-02 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.20.020 as the City Zoning Map of 2003 including all subsequent amendments, for the approximately 32.1 acre area located between Yucca Street to Tamarack Street, and 18th Avenue to 22nd Avenue, Sweet Home, OR 97386; and identified on the Linn County Assessor's Map as Vernard Subdivision. The Official Zoning Map shall be amended from the Residential Industrial Transition (RMT) Zone, Residential High Density (R-2) Zone and Industrial (M) Zone to the Residential Medium Density (R-3) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this 14th day of April, 2020.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA19-02

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)]

- 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]

Staff Findings: The applicant is proposing to change the zoning of the subject properties from RMT, R-2, and M. The subject properties are designated Residential Medium Density on the Comprehensive Plan Map. The current RMT, R-2, and M zoning designations are not consistent with the existing Comprehensive Plan Map designation of the subject properties. The proposed zoning would implement the Residential Medium Density Comprehensive Plan Map designation and would therefore 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 proposed amendment is orderly and timely. The subject properties have historically been used as residential. The zoning in the proposed area is not consistent throughout and is not consistent with the Comprehensive Plan. The properties to the west are High Density Residential and the properties to the east are vacant with a proposed development plan including some residential.

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: The entire area is on sewer only accounts, there are no water services north of Vine St. A Local Improvement District (LID) is being considered by some of the landowners in the area. The LID is to provide water to 58 area properties. It appears there are more than the minimum required approving owners, that a LID can move forward. The City Attorney and CEDD staff is working on the logistics of City Council action to process the LID. Once approved to proceed and funding methods determined, design and cost estimates are generated, and with a final tally of local owners to approve, then a water system can be provided to the neighborhood. Provided by Staff Engineer, Joe Graybill.

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 is not proposing an amendment to the comprehensive plan map.

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.
 - 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 proposed use would be consistent with past use of the property as a residential neighborhood. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood.

The application complies with this criterion.

- 6. **OAR 660-009-0010(4)** For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:
 - i. Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or
 - ii. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
 - iii. Adopt a combination of the above, consistent with the requirements of this division.

Staff Findings: Per the DLCD comments, Staff finds that this rule does not apply to this application.

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 Map in an area consisting of 32.1 acres located between Yucca Street and Tamarack Street, and 18th Avenue and 22nd Avenue. The Sweet Home Zoning Map is proposed to change from the Residential Industrial Transition (RMT) Zone to the Residential Medium 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 make a decision on this application.

APPLICANT/ City of Sweet Home

PROPERTY OWNER: Various

PROPERTY LOCATION: From Yucca Street to Tamarack Street and from 18th Avenue to 22nd Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E29CC Tax Lots Various.

FILE NUMBER: ZMA19-02

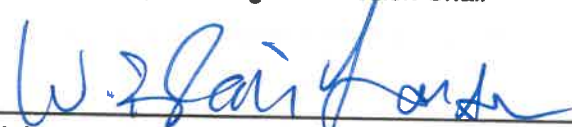
**REVIEW AND
DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.12, 17.68, 17.30;
OAR 660-012-0060

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 ZMA19-02. 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 ZMA19-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA19-02 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	 _____ Date
 _____ Blair Larsen, Community and Economic Development Director	 _____ 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 ZMA19-02

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rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

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 - b. Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
 - c. Adopt a combination of the above, consistent with the requirements of this division.

Staff Findings: Per the DLCD comments, Staff finds that this rule does not apply to this application.

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, staff has not recommended any conditions of approval.

V. PLANNING COMMISSION ACTION

In taking action on a zone change 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 ZMA19 02; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA19-02 (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 - Zoning Map
- C - Comprehensive Plan Map
- D - Aerial Photograph
- E - Planning Application Form