



# REQUEST FOR COUNCIL ACTION

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**Title:** Zone Map Amendment Application ZMA23-03

**Preferred Agenda:** January 23, 2024

**Submitted By:** Blair Larsen, Community & Economic Development Department Director

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_ Motion X Roll Call \_\_\_ Other \_\_\_

**Relevant Code/Policy:** SHMC 2.04.030 Powers of the City Council

**Towards Council Goal:** Vision Statement, Aspiration I: Desirable Community

**Attachments:**  
 Ordinance No. 3 for 2023, with Exhibit A  
 Exhibit B for Ordinance No. 3 for 2023 (Site Map)  
 Exhibit C for Ordinance No. 3 for 2023 (Original Application)  
 Exhibit D for Ordinance No. 3 for 2023 (Infrastructure Map)  
 ZMA23-03 Planning Commission Order and Decision  
 ZMA23-03 Staff Report  
 ZMA 23-03 Attachment D to the Staff Report (Zoning Map)  
 ZMA 23-03 Attachment E to the Staff Report (Comprehensive Plan Map)  
 ZMA 23-03 Attachment F to the Staff Report (Public Comment)  
 November 16, 2023 Draft Planning Commission Meeting Minutes  
 School District Comment Regarding ZMA23-03

## **Purpose of this RCA:**

The purpose of this RCA is to seek a decision regarding Zone Map Amendment Application ZMA23-03, and, if approved, conduct a first reading of the ordinance.

## **Background/Context:**

The applicant is proposing to change the Zoning Map in an area consisting of approximately 88,577 square feet (2.02 acres) located in Sweet Home, OR 97386 (13S01E32AC Tax Lot 4900). 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 Sweet Home Planning Commission held a public hearing on November 16, 2023 to review ZMA23-03 and receive testimony. At that meeting, the Planning Commission approved the

application and recommended that the City Council approve it. The Sweet Home Municipal Code requires the City Council to hold a public hearing and decide on this application.

The Sweet Home Comprehensive Plan guides official policy decisions about development within the area. The Plan aims to organize and coordinate complex interrelationships between people, land, resources, and facilities to meet the future needs of the citizens and to protect the livability of the community. The Plan also reflects the public's goals and aspirations for Sweet Home about the best way to handle development and conservation in the City. The officially acknowledged Comprehensive Plan gives policy direction for land use decisions and coordinates private and public development. [Chapter 1, Page 1 of the Comprehensive Plan].

**The Sweet Home Municipal Code provides criteria for map amendments such as this:**

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;**
- 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;**
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and**
- D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals**

Update for January 23, 2024:

The City Council held a public hearing on this matter on December 12, 2023, but did not come to a decision—a motion was put forth to approve the application but failed for lack of a second. State law requires that the City respond to land use applications within 120 days. In this case, the City must make a decision by January 30<sup>th</sup>, 2024.

The comments from the public and the Council at the public hearing, centered on transportation, safety, and School District capacity. Staff has looked in to these matters, and can provide the following:

- **Transportation:** this application is for a zone change, and does not include any specific development plans, so the impact of transportation is unknown. However, SHMC 17.42.130(A) requires a Traffic Impact Study be prepared by a professional engineer for any multifamily development on this parcel. The cost of this study would be borne by the applicant. A Traffic Impact Study would show how much traffic new development would likely add to the existing transportation infrastructure, and what improvements would be necessary to safely support the additional traffic. Any necessary improvements would also be borne by the developer.
- **Safety:** Staff has not found any evidence of higher density housing being less safe than lower density housing. Any development on this parcel would require completion of the sidewalk, which would make pedestrian travel in the area safer.
- **School District Capacity:** While the School District was invited to comment on this application, we did not receive any comments until after the December 12, 2023 public hearing. Attached is a copy of an email received from Kevin Strong, Business Manager at the Sweet Home School District. Mr. Strong indicates that Hawthorne Elementary has capacity for additional students.

Staff recommend that the Council review the criteria in our code printed above in bold which for zone changes such as this. If the application is denied, we need to know under which of these criteria the application it is being denied.

**The Challenge/Problem:**

Should the zoning map be changed from the current Residential Low Density (R-1) designation to Residential High Density (R-3), in accordance with the Comprehensive Plan Map designation for the property? Should the Comprehensive Plan designations be followed if the proposed amendment is consistent with the goals and policies of the comprehensive plan?

**Stakeholders:**

- The Owner/Developer: Changing the zoning to conform with the Comprehensive Plan would allow the owner to benefit from the higher density permitted in the R-3 zone.
- Sweet Home Residents: Residents benefit from thoughtful development made in accordance with properly adopted planning documents.
- Sweet Home City Council: The Council is responsible for final approval of zone map amendments and ordinances.

**Issues and Financial Impacts:**

There are no issues or financial impacts currently identified.

**Elements of a Stable Solution:**

A stable solution is one in which a decision on the application is made that conforms with City Code and State Law.

**Options:**

1. Deny Application ZMA23-03. Staff would prepare an Order of Denial for Application ZMA23-03.
2. Approve Application ZMA23-03 as presented and conduct the first reading of Ordinance No. 2 for 2024.
3. Recommend a different zone amendment. Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Planning Commission and Council meeting.

**Recommendation:** Staff Recommends Option 2: Approve Application ZMA23-03 as presented and conduct a first reading of Ordinance No. 2 for 2024.