

**TO:** City of Sweet Home City Council

**FROM:** Walt Wendolowski, Contract Planner

**SUBJECT:** Adoption of New Sweet Home Development Ordinance, Map Amendments and Comprehensive Plan Text Amendment

**DATE:** August 23, 2022

I. BACKGROUND

- A. APPLICANT: City of Sweet Home.
- B. REQUEST: The City is requesting approval of the following:
1. Adopting a new zoning and land division regulations, titled “City of Sweet Home Development Code”, replacing the current Title 16 – Land Divisions and Line Adjustments; Title 17 - Zoning Ordinance and incorporating parts of Title 15.
  2. Comprehensive plan text amendment replacing the “Planned Recreation Commercial” designation name with the “Mixed Use Employment”, and a concurrent change in the Comprehensive Plan map name “Planned Recreation Commercial” to “Mixed Use Employment”.
  3. Zoning Map amendment, reversing the zoning names of the Medium Density Residential (R-2) and High Density Residential (R-3) zones; change the name of all land currently zoned Residential Mixed Use (R-4) to Mixed Use (MU); and, change the name of all land currently zoned Residential Industrial Transitional [R/M(T)] to Medium Density Residential (R-2).

Specific amendments are summarized in Exhibit “A”.

- C. DECISION CRITERIA: Sweet Home Zoning Ordinance Sections 17.12.010 to 17.12.040.

II. APPLICATION SUMMARY

- A. The City Council directed the Planning Commission to consider changes and updates to the current land use documents. After auditing the material, a consultant team was hired to prepare a new land use document. Working with City staff and the Planning Commission, the result of this effort created a new document combining Title 16 (Land Divisions and Lot Adjustments) and Title 17 (Zoning), as well as the Flood Hazard and Historic Resources provisions from Title 15, under a single, unified document titled the “City of Sweet Home Development Code.”

- B. During the process of creating the new document, it was determined additional changes to the land use maps and Comprehensive Plan text were required to implement the material. These include the following:
1. Revised Comprehensive Plan Designation. Land currently designated Recreational Commercial in Comprehensive Plan Table 11 will be renamed “Mixed Use Employment”. There is no change in the intended purpose of the designation and the new language corresponds to a new Mixed Use Employment Zone (MUE) contained in the proposed Code.
  2. Comprehensive Map. Concurrent with the change in item “1.”, the Comprehensive Plan map will see the “Planned Recreation Commercial” map designation change to “Mixed Use Employment”.
  3. Zone Map: R-2/R-3. The current Zoning document identifies the R-2 zone as High Density Residential and the R-3 zone as Medium Density Residential. This is opposite of planning practice whereby the larger suffix number usually indicates a higher density. To address this, land currently zoned R-2 (High Density Zone) will now be identified as R-3 (High Density Zone). Conversely, land currently identified as R-3 (Medium Density Zone) will now be identified as R-2 (Medium Density Zone).
  4. Zone Map: R-4 to MU. The current R-4 zone will be renamed MU (Mixed Use). Both zones are designed to allow a mix of residential and commercial uses. The name change reflects a greater emphasis on mixing uses within the zone as well as greater latitude in allowed uses.
  5. Zone Map: R/M(T) Residential Industrial Transitional – Several properties are currently zoned R/M(T), the vast majority designated Medium Density Residential on the Comprehensive Plan map. To align the zoning and plan maps, and to allow additional uses, land currently zoned R/M (T) will be rezoned to Medium Density Residential (R-2).
- C. The remainder of this report will summarize the material and identify the key changes between current regulations and proposed new Code. In addition, findings are established in support of the various amendments.

### III. DEVELOPMENT CODE SUMMARY

- A. The new document uses the core material of the current document. Major changes revolve around the reorganization of material to improve usability for the staff and public and to incorporate recent changes in State law that apply, or will apply, to Sweet Home.

1. The new document covers both Title 16 and 17 as well as the flood plain and historic resource provisions in Title 15. This material is further divided into four Articles.
  2. The four Articles introduce the purpose of the Code, establish zones, list development regulations and end with process requirements. The document follows current Municipal Code numbering formatting. Each Article has a Table of Contents and there is one at the beginning of the Code.
  3. The City adopted a number of changes to the Zoning code over the last 10+ years. These were included in the new Development Code but modified to either fit the revised format or address other issues. For example, home occupations are included in the existing Code's conditional use provisions. The new Code split the provisions by outlining specific use requirements for home occupations (Article III) and identifying two types of review procedures in Article IV: permitted and conditionally permitted.
  4. Recent changes to State law established provisions for needed middle housing (HB 2001). Sweet Home is not required to comply with these provisions until it reaches a population of 10,000. However, the latest population data for 2021 places the City at 9,836 in population. Being this close, the Commission and staff felt it prudent to make the changes as part of this project. Specific changes are noted under Article 2.
- B. *Article I (Introduction)* – Article I introduces the document and establishes the document's purpose and administrative responsibility. The Article incorporates, with some minor variations and exceptions, Chapters 17.02 to 17.16 of the existing Zoning Code.
1. The Article includes basic introductory provisions such as title, purpose, administration, violations, interpretations, and severability.
  2. New provisions include a statement to the effect the City does not regulate private restrictions such as CC&Rs (17.02.070). There is also a "Nondiscrimination" section regarding application and enforcement of the Code (17.02.110).
  3. Chapter 17.04 includes definitions. All definitions found elsewhere in the Code are also located in this Chapter and are identified with a specific suffix (e.g., "FHO" for Flood Hazard Area Overlay).
  4. Where appropriate definitions were updated to reflect current planning usage. For example, the current definition for Family: *An individual or two or more persons related by blood, marriage, legal adoption or legal guardianship living together as one housekeeping unit, using one kitchen*

*and providing meals or lodging to not more than two additional persons, excluding servants; or a group of not more than five unrelated persons living together as one housekeeping unit using one kitchen.*

The revised version: *Persons living together in a dwelling unit as a single housekeeping unit.*

C. **Article II (Zoning)** – This Article addresses zoning and allowable development. This Article includes current Code provisions in Chapters 17.20 to 17.44, and Chapters 17.60 and 17.68. Overlay zones from Title 15 are also included in this Article.

1. Numbering protocol states the higher the number for residential zones, the greater the density and/or housing options. The R-2 zone is currently the “High Density” zone while the R-3 zone is the City’s “Medium Density” zone. These were switched to create an understandable hierarchy.
2. Based on previous changes to the Comprehensive Plan, and provisions in HB2001, allowable uses and densities in each residential zone were changed. The net result was a reduction in the minimum lot size. The following chart outlines the changes from the current Zoning code (*proposed new regulations in italics*):

Zone	R-1	R-2 (New)	R-3 (New)	MU (R-4)
Single Family Lot Size (Detached)	8,000 sf <i>7,000 sf</i>	5,000 sf <i>5,000 sf</i>	5,000 sf <i>5,000 sf</i>	5,000 sf <i>5,000 sf</i>
Single Family Lot Size (Attached)	N/A N/A	4,800 sf <i>2,000 sf</i>	2,500 sf <i>2,000 sf</i>	4,800 sf <i>2,000 sf</i>
Duplex Lot Size	8,000 sf <i>7,000 sf</i>	6,000 sf <i>5,000 sf</i>	6,000 sf <i>5,000 sf</i>	6,000 sf <i>5,000 sf</i>
Multi-family Lot Size	N/A	N/A <i>2,500 sf/unit</i>	2,500 sf/unit <i>1,500 sf/unit</i>	N/A <i>5,000 sf</i>

The lot sizes (and corresponding dimensions) were reduced to coincide with HB2001. Allowable residential densities correspond with these revisions. For example, to achieve the 28 unit per net acre expectation for multi-family units in the revised R-3 zone, the minimum land area per unit is now 1,500 square feet.

3. HB2001 also called for the cities to allow a duplex wherever a single-family home are permitted. Further, there can be no distinction in the lot size between the two uses (see previous table).
4. The R-4 zone was converted to a Mixed-Use zone with an emphasis on mixing higher density residential uses and commercial activities.

5. The R/M(T) zone was eliminated. The zone had limited applicability that could be served by another zone, in this case R-2. For the record, the vast majority of R/M(T) zoned land is currently designated Medium Density on the Comprehensive Plan map.
  6. The Public Facility zone was added. The zone is designed specifically to support public works development on specific parcels.
  7. The proposed Code includes a new Mixed-Use Employment zone as an alternative replacement to the RC zone. It emphasizes employment opportunities, including commercial, institutional and limited industrial, along with additional opportunities for residential use. The key requirement is that except for construction of **one** single-family home, development of land exceeding one acre requires a planned development application and review. Both zones are included in Article 2; the establishment of the MUE zone requires a zone change.
  8. Change in state law require the city to provide affordable housing in the commercial and public zones, and in limited cases, the industrial zone (SB8 and HB2008). Specific development requirements are found in Article 3 (Section 17.72.030). Affordable housing is limited to those lands owned by the public agencies or non-profits involved with providing housing.
  9. The Planned Development overlay was eliminated. Instead, it is established as a separate set of guidelines in Article III and can be applied to any zone except the Public zone.
  10. The Mobile Home Infill Overlay Zone was also eliminated. Consistent with State law manufactured homes on individual lots as well as manufactured home parks, are located in the appropriate residential zone.
  11. Floodplain Overlay is current with recently adopted Federal language.
- D. *Article III (Development Requirements)* – This Article addresses how property can be considering such requirements as landscaping or parking. As noted, existing “overlay zones” – Chapters 17.48 and 17.52 – are now listed as development standards. Current Chapters 17.92 to 17.98 (storage, sign, wireless communication) are also included in this Article.
1. This Article includes the requirements for land divisions which are then administered with provisions in Article IV. Street provisions from Title 16 are included as well.

2. In many cases, some provisions in the current Code (e.g., manufactured homes on individual lots) were repeated in each zone. The zones now simply reference the specific requirements located in this Article.
3. Regarding access, the City adopted a joint driveway standard. That was expanded to include development requirements for a private access easement as well as private streets (Chapter 17.42).
4. Consistent with requirements in HB2001, parking requirements for single family homes and duplexes are now the same (Chapter 17.44).
5. Sign requirements essentially remain unchanged. There is a new section included specifically to address a variance to sign regulations (Section 17.50.160).
6. As noted, Planned Developments are not processed as an overlay zone (which requires a cumbersome zone change) but are reviewed in a manner similar to a subdivision with its own particular set of standards (Chapter 17.60). In addition to the Planned Development, there is a new Cottage Cluster Development section (Chapter 17.62). This is similar to a planned development; however, the standards are very strict as to residential building design in order to create a small, shared neighborhood. A cottage cluster is processed as a planned development, but as noted, with its own standards.
7. There are a number of new sections addressing specific types of uses. While some are addressed in the current Zone code, the proposed Development Code reorganizes the existing material and adds some new uses:
  - a. Fencing and Screening (Chapter 17.52) - This Chapter combines into one Chapter the various fencing and screening requirements scattered throughout the current document.
  - b. Manufactured Home Parks – Consistent standards that apply to all residential zones where Parks are allowed (Chapter 17.64).
  - c. Manufactured Homes on Individual Lots - Consistent standards for placement of manufactured homes on individual lots (Chapter 17.66). Eliminates overlay provisions.
  - d. Home Occupations – Now split into permitted and conditionally permitted sections (Chapter 17.68).
  - e. Residential Accessory Structures (Chapter 17.70) – As with fences/screening all related accessory building provisions are in this Chapter.
  - f. Special Residential Dwellings – Chapter 17.72 includes requirements accessory dwelling units (ADUs); attached homes (e.g., townhomes) and for affordable housing provisions, consistent with state law (SB8, HB2008).

- g. Temporary Uses – Standards for such activities as fireworks and Christmas tree sales (Chapter 17.74).
- h. Bed and Breakfast Establishments - Consistent standards that apply to B&B uses where they are allowed (Chapter 17.76).
- i. Houses of Worship (Chapter 17.78) – Churches can have significant impact on area property. This Chapter establishes consistent set of rules to address such issues as screening and setbacks.

E. *Article IV (Procedural)* – Allowed uses and standards are found in the preceding Articles. This Article establishes the review procedures to establish those uses. This Article incorporates Chapters 17.80 to 17.84 of the current Zoning document. Finally, there are times in the current Zoning code when a “review” is required but the process – or criteria – are not clearly stated. These types of actions are now placed in this Article.

- 1. As with current practice, four review types were established (Chapter 17.90). This allows a simple way to connect the proposed activity with a process. For example, home occupations are processed as Type I (ministerial) application. However, if people outside the household are employed, a Type III conditional use is required.
- 2. The process for each type is spelled out from application to final appeal to LUBA (Chapter 17.90). A chart is provided outlining the process for each type of application. For example, a conditional use is a Type III application: the staff provides a recommendation to the Commission; the Commission makes the decision; and their decision is appealable to Council.
- 3. Some flexibility is granted to staff when it comes to staff-level decisions. For example, with property line adjustments (Chapter 17.92) the Director can waive some of the application requirements if there is sufficient information to process the request. The philosophy here is to reduce up-front application expenses where feasible.
- 4. Variances are divided into those changing a quantifiable standard by no more than 10% (Adjustment – Chapter 17.100) and changing a standard greater than 10% (Variance – Chapter 17.106). The former is reviewed by staff, the latter by the Commission.
- 5. Chapter 17.102 is new and contains provisions for a site development review. These provisions generally apply to new multi-family, commercial and industrial development. The purpose is to ensure new projects comply with all setback, height, parking and other development standards. It is important to note that a use requiring only a site development review is considered permitted – the purpose of the review is to ensure compliance with applicable design and development standards.

6. In a similar vein, for Conditional Uses (Chapter 17.104) a use is generally assumed to be allowed, provided conditions can be placed to address any adverse impacts.
7. Subdivisions and planned developments (Chapter 17.110) essentially follow the procedures and requirements of Title 16. Minor changes were made to conform with provisions in ORS Chapter 92 which governs land divisions.
8. Current provisions on annexations were revised (Chapter 17.118). It still remains a City level decision but the process was clarified and criteria established.
9. The four types of land use procedures (Type I to Type IV) are clearly spelled out in Chapter 17.122 to Chapter 17.128. This includes the process from submittal to a final hearing before the City Council.
10. The responsibilities for the Commission and Council, including the hearing procedures, were spelled out in Chapters 17.130 and 17.132, respectively.
11. Vacations of Public Ways were eliminated. This is a Council decision as it involves real estate. The Commission and/or staff can play an advisory role to identify any relevant land use impacts.

#### IV. CRITERIA AND FINDINGS – DEVELOPMENT CODE

- A. Procedures and criteria to amend the Plan and zoning-related text, and, Plan and Zoning maps are contained in Sections 17.12.010 to 17.12.040. Compliance with these provisions is reviewed in the following Sections.
- B. Section 17.12.010 outlines authorization to initiate amendments. An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the City Manager, the City Planning Commission, the City Council or a property owner. A quasi-judicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the City Manager, the Planning Commission or the City Council. A request for a quasi-judicial zone map amendment by a property owner shall be accomplished by filing an application with the City Planner at least 45 days prior to the Planning Commission meeting and using forms prescribed pursuant to § 17.12.100.

FINDINGS: Consistent with this Section, the City Council authorized the project to establish a new combined zoning and land division code. Additional modifications in support of the new Code were initiated by the staff and the Commission.

- C. Section 17.12.020 establishes the public hearings requirements:



1. Section 17.12.020 A. - The Planning Commission may elect to conduct a public hearing on a proposed amendment.
2. Section 17.12.020 B. - The Planning Commission shall recommend to the City Council approval, disapproval or modification of the proposed amendment.
3. Section 17.12.020 C. - After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment.
4. Section 17.12.020 D. - All public hearing procedures shall be in accordance with §§ 17.12.120 and 17.12.130.
5. Section 17.12.020 E. - Within five days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council.

FINDINGS: The Planning Commission hearing procedure is consistent with the requirements. Their recommendation will be forwarded to the City Council.

- D. Section 17.12.025 establishes the review criteria for map amendments. 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:

1. Section 17.12.025 A. - The proposed amendment is consistent with the goals and policies of the comprehensive plan. This Section does not require the Planning Commission to consider compliance with the Comprehensive Plan as part of a **text** amendment. However, per state law, the text material implementing the Plan must be consistent with the Plan. Plan policies are organized in groups – a response to each group of policies follows.
  - a. Parks and Open Space Policies – Generally encourage open space and lands for recreation.

FINDINGS: The revisions do not impact open space requirements. They are continually maintained and enhanced through provisions such as new landscaping requirements.

- b. Residential Land Use Policies – The core purpose of housing policies are to ensure there is a wide variety of housing types in locations best suited to each housing type, and that meet the needs of the community.

FINDINGS: The revisions reduce lot sizes, increase housing options with the addition of duplexes in all residential zones, allows ADUs and provides opportunities for affordable housing consistent with state law.

- c. Economic Development Policies – The core purpose of these policies is to encourage economic opportunities for the community by maintaining existing businesses and promoting new ones. Of special interest are Recreation Commercial designated lands which mix commercial and housing needs with potential recreational opportunities.

FINDINGS: Existing commercial zones and opportunities remain while in many cases additional uses are allowed. This is further enhanced by a new mixed-use zone (MU) that expands options beyond the current R-4 zone. Recreational Commercial designated lands remain but will have an option to apply the Mixed-Use Employment zone, again increasing development opportunities from the current RC zone. Industrial provisions and opportunities are unchanged.

- d. Transportation Policies – Transportation policies encourage the system to carry volumes and speeds appropriate for their classification.

FINDINGS: The new Development Code does not impede the objectives of the Transportation Policies. Private streets are allowed along with shared driveways to improve development efficiencies and the land division requirements are designed to encourage street connectivity, thereby improving traffic flows.

- e. Facilities Policies – Policies are designed to ensure the City can meet the public and private facility needs of the community. This includes long range planning for such provisions as water, sanitary sewer, and storm sewer.

FINDINGS: Overall, Facilities Policies establish guidelines for financing and developing needed facilities and are not directly related to the new Code. However, in support of future facility development, the Development Code establishes a new Public Facility zone designed to facilitate project development.

- f. Citizen Involvement Policies – The policies establish the Planning Commission as the local citizen involvement committee. As part of its role, their task is to ensure the community has an opportunity to participate the land use decisions.

FINDINGS: The new Development Code provides greater clarity on the various land use processes, which is designed to help the public (and staff)

in using the Development Code. Otherwise, citizens retain the same rights regarding participating in hearings and appeals.

- g. Plan Amendment Policies – The policies effectively allow the City Council to amend the Plan as circumstances warrant and conduct public hearings to consider those changes.

FINDINGS: The new Development Code continually supports these policies.

- 2. Section 17.12.025 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;

FINDINGS: The City Council and Planning Commission recognized the need to update the zoning and land division provisions, not only to address changing circumstances, but to conform with state law.

- 3. Section 17.12.025 C. - Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

FINDINGS: The new Code will not alter current requirements regarding service provisions.

- 4. Section 17.12.025 D. - The proposed amendment to the comprehensive plan map is consistent with Oregon’s statewide planning goals.

FINDINGS: The Department of Land Conservation and Development acknowledged the current Comprehensive Plan as complying with the statewide goals. Previous findings indicate the new Development Code is consistent with those adopted and acknowledged Plan policies. Therefore, the new Code complies with the statewide goals.

- E. Section 17.12.030 requires the City to maintain records of any text or map amendments. This requirement applies to the City’s administration of the planning program. Finally, Section 17.12.040 limits a property owner’s ability to reapply for a quasi-judicial map amendment that was denied. This provision does not apply to this request.

## V. COMPREHENSIVE PLAN TEXT & MAP AMENDMENT

- A. Comprehensive Plan Table 11 “Comprehensive Plan Land Designations for Economic Development” identifies both plan designations, and their purpose,

applicable for economic development. The Table includes the Recreation Commercial designation and reads as follows:

*Recreation Commercial | To provide and maintain areas that possess unique characteristics for recreational commercial development that is suitable and desirable for businesses catering to tourist and recreational activity. High standards should encourage maintaining and enhancing the appearance of the area and its unique value to the community.*

The corresponding zone is Recreation Commercial (RC).

- B. The proposed Development Code includes a new zone: “Mixed Use Employment (MUE).” This zone is ultimately designed to supplant the Recreation Commercial zone overtime by allowing citizens an option to either maintain the current RC zone on their land or opt for the more intensive MUE zone. Initially, the Plan text needs amending by replacing “Recreation Commercial” with “Mixed Use Employment.” There will be no change as to the purpose of the designation.
- C. Concurrent with the text change is a change in the Comprehensive Plan map. Those lands currently designated Recreation Commercial will now be designated Mixed-Use Employment. There is no change in acreage, the other change is in the name of the map designation.
- D. Section 17.12.025 establishes the review criteria for map amendments. 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:
  - 1. 17.12.025 A. - The proposed amendment is consistent with the goals and policies of the comprehensive plan;  
  
FINDINGS: As noted, the change is limited to the name of the Plan map designation. The purpose and intent of the designation remain unaltered. Therefore, the proposed change remains consistent with current plan goals and policies.
  - 2. 17.12.025 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;  
  
FINDINGS: This criterion does not directly apply as the intent and purpose of the designation remain unchanged.

3. 17.12.025 C. - Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

FINDINGS: Utility and service provisions are unaffected as the amendment is limited to a change in the plan map designation.

4. 17.12.025 D. - The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

FINDINGS: The Department of Land Conservation and Development previously acknowledged the current City Comprehensive Plan. The change is limited to the establishment of a new name for the designation and does not change the previous acknowledgement by the state.

## VI. ZONE MAP AMENDMENT – R-2 & R-3

- A. As noted, the current Zoning (Title 17) document identifies the R-2 zone as High Density Residential and the R-3 zone as Medium Density Residential. This is opposite of planning practice whereby the larger numerical suffix indicates a higher density. The practical solution is to change the names on the zone map. Land currently zoned R-2 will be named to R-3. Conversely, land currently zoned R-3 will now be named R-2. It is important to note the actual acreage devoted to each **density** does not change – only the change relates to the name of the zone. Further, this change in zone names does not alter the Comprehensive Plan map – the existing map designations remain.
- B. Section 17.12.025 establishes the review criteria for map amendments. 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:

1. 17.12.025 A. - The proposed amendment is consistent with the goals and policies of the comprehensive plan;

FINDINGS: As noted, the change is limited to the name of the respective zones. The purpose and intent of the zones, including permitted uses in the new Code, remain unaltered. Therefore, the proposed name change remains consistent with current plan goals and policies.

2. 17.12.025 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;

FINDINGS: This criterion does not directly apply as the intent and purpose of the respective zones remains unchanged.

3. 17.12.025 C. - Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

FINDINGS: Utility and service provisions are unaffected as the amendment is limited to a change in the zones' names.

4. 17.12.025 D. - The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

FINDINGS: The current Comprehensive Plan was previously acknowledged by the Department of Land Conservation and Development. The change is limited to the establishment of a new name for the designation and does not change the previous state acknowledgement.

## VII. ZONE MAP AMENDMENT – R-4 to MU

- A. The current R-4 zone will be renamed MU (Mixed Use). Both zones are designed to allow a mix of residential and commercial uses. The name change reflects a greater emphasis on mixing uses within the zone as well as greater latitude in allowed uses.
- B. Section 17.12.025 establishes the review criteria for map amendments. 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:

1. 17.12.025 A. - The proposed amendment is consistent with the goals and policies of the comprehensive plan;

FINDINGS: As noted, the change is limited to the name of the zone. The purpose and intent of the zone remain unaltered. Therefore, the proposed name change remains consistent with current plan goals and policies.

2. 17.12.025 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;

FINDINGS: This criterion does not directly apply as the intent and purpose of the respective zones remains unchanged.

3. 17.12.025 C. - Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

FINDINGS: Utility and service provisions are unaffected as the amendment is limited to a change in the zones' names.

4. 17.12.025 D. - The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

FINDINGS: The Department of Land Conservation and Development previously acknowledged the current Comprehensive Plan. The change is limited to the establishment of a new name for the corresponding zone and does not change the previous acknowledgement by the state.

#### VIII. ZONE MAP AMENDMENT – R/M(T) to R-2

- A. Several properties are currently zoned Residential Industrial Transitional [R/M(T)]. The purpose statement (17.68.010) notes “... *the R/M(T) zone is a transitional zone which provides a process that allows for the consideration of converting property in a residential area to industrial uses (e.g., sites for small industry, expansion to existing industry, etc.). It is not the intent of the zone to allow industrial development to occur at the cost of existing residential development. Industrial development should be allowed only when measures have been taken to protect remaining residential property from nuisances which may result from industrial activities (i.e., noise, smoke, odor, dust, fire or explosion hazard or pollution of air and water). In order to protect existing residential development from potential industrial nuisances and to facilitate an orderly and efficient conversion of land from residential to industrial uses, it is intended that all industrial uses in the zone shall be subject to conditional use process.*”
- B. As currently mapped, these lands are located near or adjacent to land zoned for commercial or light Industrial uses, thereby supporting the possible transition from residential to limited employment uses. However, as vast majority of R/M(T) zoned land is designed Medium Density Residential on the Comprehensive Plan map. To align the Zoning and Plan maps, and to allow additional uses, land currently zoned R/M(T) would be rezoned to Medium Density Residential (R-2).
- C. Section 17.12.025 establishes the review criteria for map amendments. 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:
  1. 17.12.025 A. - The proposed amendment is consistent with the goals and policies of the comprehensive plan;

FINDINGS: As noted, the change is limited to the name of the zone. Further, this action aligns the Zone map with Comprehensive Plan map designation. Therefore, the proposed name change remains consistent with current plan goals and policies.

2. 17.12.025 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;

FINDINGS: This criterion does not directly apply as the intent and purpose of the respective zones remains unchanged.

3. 17.12.025 C. - Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

FINDINGS: Utility and service provisions are unaffected as the amendment is limited to a change in the zones' names.

4. 17.12.025 D. - The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

FINDINGS: The Department of Land Conservation and Development previously acknowledged the current Comprehensive Plan. This change is consistent with that acknowledgement by assuring the Plan and Zone maps correspond.

## IX. SUMMARY

- A. The new Development Code updates the existing material and ensures compliance with recent changes to state law. While the core of the current material remains, the new format is expected to assist both the public and staff in applying the planning standards and requirements.
- B. The new Development Code also required additional changes to both the Comprehensive and Zoning maps. These changes are in name only and do not alter the purpose of the respective Plan designations or Zones.

## X. RECOMMENDATION

City staff believes the proposal can comply with the applicable decision criteria and recommends the Planning Commission recommends City Council adoption of the new Sweet Home Development Code and approval of the proposed amendments to the Comprehensive Plan Map and text, and amendments to the Zoning map.

## XI. PLANNING COMMISSION ACTION

- A. The Planning Commission has the following options:



1. Recommend City Council adoption of the new Development Code, and amendments to the Comprehensive Plan text and map and Zoning map, adopting findings contained in the staff report;
2. Recommend City Council adoption of the new Development Code, and amendments to the Comprehensive Plan text and map and Zoning map, adopting modified language and/or findings;
3. Recommend City Council rejection of the new Development Code, and amendments to the Comprehensive Plan text and map and Zoning map, establishing findings as to why the application fails to comply with the decision criteria.

B. Staff will prepare the appropriate document for the Chair's signature.

## **EXHIBIT A**

### **Summary of Amendments**

- A. Adopt attached Sweet Home Development Code replacing Title 16, Title 17 and the Flood Hazard Area Regulations and Historic Resources provisions in Title 15.
- B. Amend the Comprehensive Plan Table 11 “Comprehensive Plan Land Designations for Economic Development” changing the term “Recreational Commercial” to “Mixed Use Employment”.
- C. Amend the Comprehensive Plan map changing the name of those properties currently designated “Recreation Commercial” to “Mixed Use Employment”.
- D. Amend the Zoning map changing the name of those properties currently zoned Medium Density Residential (R-3) to Medium Density Residential (R-2); and, those properties currently zoned High Density Residential (R-2) to High Density Residential (R-3).
- E. Amend the Zoning map changing the name of those properties currently zoned Mixed Residential (R-4) to Mixed Use (MU).
- F. Amend the Zoning map changing the name of those properties currently zoned Residential Industrial Transitional [R/M(T)] to Medium Density Residential (R-2).