



City of Sweet Home

Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Planning Commission Staff Report

REQUEST: The applicant is proposing to change the Zoning Map in an area consisting of approximately 190,211 square feet (5.18 acres) located in Sweet Home, OR 97386 (13S01E32AA Tax Lot 600). 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 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.

APPLICANT &

PROPERTY OWNER: Eric Lund

PROPERTY LOCATION: Sweet Home, OR 97386, Identified on the Linn County Assessor's Map as 13S01E32AA Tax Lot 600.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10, 17.14, 17.114, OAR 660-012-0060

FILE NUMBER: ZMA23-01

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** April 6, 2023 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

CITY COUNCIL PUBLIC HEARING:

- **DATE & TIME:** April 25, 2023 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

STAFF CONTACT:

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

REPORT DATE: April 30, 2023

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject tract contains approximately 190,211 square feet (5.18 acres). The property is currently zoned Residential Low Density (R-1), and the comprehensive plan designation is Residential High Density (R-3). The applicant is requesting to change the zoning to Residential High Density (R-3) bringing it into conformity with the property's existing Comprehensive Plan Map designation.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	High Density Residential
Property North	Residential Low Density (R-1)	High Density Residential
Property East	Residential Low Density (R-1)	High Density Residential
Property South	Residential Low Density (R-1)	High Density Residential
Property West	Residential Low Density (R-1)	High Density Residential

Floodplain Based on a review of the FEMA FIRM Maps; Panel 41043C0914G dated September 29, 2010, the subject property is not in the 100-year floodplain.

Wetlands: The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

Access: The subject property has frontage along Clark Mill Road.

Services: The subject property has access to City water and sewer services from Clark Mill Road.

TIMELINES AND HEARING NOTICE:

Application Submitted:	February 22, 2023
Application Deemed Complete:	March 1, 2023
Mailed/Emailed Notice:	March 1, 2023
Notice Published in New Era Newspaper:	March 8, 2023
Planning Commission Public Hearing:	April 6, 2023
City Council Public Hearing	April 25, 2023

Notice was provided as required by SHMC 17.128.010.

II. COMMENTS

Brandon Horton

Permit Technician: The Building Program has no issues with this request.

Ryan Wade

CEDD Engineering: STREETS: Clark Mill Rd. has 60 ft ROW and 22 ft asphalt paved width. There is a no existing driveway. It is a designated truck route. Sufficient for increased traffic. Any street improvements will be required to satisfy the minimum standards according to the Transportation System Plan.

DRAINAGE: There is an open ditch on the west side of Clark Mill Rd. which flows South to Long St. The ditch flows East to a waterbody that flows Northwest along the backside of the property to 24th Ave where it flows into the Mill property. No easement required by Sweet Home PW. A Division of State Lands Permit may be required to work on the drainway. When doing any work to, in, or around any drainage systems, general Stormwater management and Control Best Management Practices (BMP's) will be followed and permitted when required by State Program(s).

WATER: There is a 12" water main on the West side of Clark Mill Rd. Cost of connection for City Services will be assigned during the development application review.

SEWER: There is a 15" sewer main in the center of Clark Mill Rd. Cost of connection for City Services will be assigned during the development application review.

EASEMENTS: None known at this time.

MISCELLANEOUS: None known at this time.

SUMMARY: Review request: Engineering has no issues at this time.

Public Works: No comments as of the issue of this Staff Report.

Sweet Home

Fire District: The Fire District Has no issues with this request.

Public Comment: No comments as of the issue of this Staff Report.

III. REVIEW AND DESIGN 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.

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.

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.

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 190,211 square feet (5.18 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.

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.

Staff Findings: Per the CEDD Engineering comments in Section II above: There is a 12" water main on the west side of Clark Mill Rd. Cost of connection for City Services will be assigned during the development application review. There is a 15" sewer main in the center of Clark Mill Rd. Cost of connection for City Services will be assigned during the development application review. 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.

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]. No development has been proposed with this application.

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 acting 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 decide 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 ZMA23-01, which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA23-01 (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. Zone Map Amendment Application and Summary
- C. Zoning Map
- D. Comprehensive Plan Map



Subject Property Map
ZMA23-01

Date: 3/1/23



1 inch = 142 feet

ATTACHMENT B



City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Land Use Application

- ☐ Adjustment
- ☐ Annexation
- ☐ Comprehensive Plan Map Amendment
- ☐ Conditional Use
- ☐ Home Occupation
- ☐ Interpretations
- ☐ Nonconforming Uses
- ☐ Partition
- ☐ Property Line Adjustment
- ☐ Site Development Review
- ☐ Subdivisions and Planned Developments
- ☐ Text Amendments
- ☐ Variance
- ☒ Zone Map Amendment

Date Received: 02.22.23
Date Complete: 03.01.23
File Number: ZMA23-01
Application Fee: 1,500.00
Receipt #: 5177

Planning Commission Hearing Date: 04.06.23
City Council Hearing Date: 04.25.23

Within 30 days following the filing of this application, the Planning Department will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name:

Eric Lund

Applicant's Address:

6321 Lake Pointe Way Sweet Home, OR 97386

Applicant's Phone Number:

Applicant's Email Address:

Property A

Owner's Name:

Eric Lund

Owner's Address:

6321 Lake Pointe Way Sweet Home, OR 97386

Owner's Phone Number:

541-223-3864

Owner's Email:

eric@theaxiom-grpup.com

Property Address:

Assessor's Map and Tax Lot:

13S01E32-AA-00600

Property Size Before:

5.18 Acres

Property Size After:

5.18 Acres

Zoning Classification:

R1

Comprehensive Plan:

R3

Property B

Owner's Name:

Owner's Address:

Owner's Phone Number:

Owner's Email:

Property Address:

Assessor's Map and Tax Lot:

Property Size Before:

Property Size After:

Zoning Classification:

Comprehensive Plan:

Nature of Applicant's Request

Narrative describing the proposed land use action: Brief description on this form and attach extra sheets if needed.

Zone change from R1 to R3 high density

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

Date:

2/22/2023

Property Owner's Signature:

Date:

2/22/2023

Property Owner's Signature:

Date:

Property Owner's Signature:

Date:



APPENDIX N

ZONE MAP AMENDMENT

The Zone Map establishes zone for individual properties. A zone change approval is required to change the zoning of any property. [SHMC 17.114.010]

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

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]

SHMC 17.114.040 SUBMITTAL REQUIREMENTS

The applicant is required to submit a summary for each of the following applicable criteria and submit the summary as a narrative with the Land Use Application. (Attach extra sheets, if needed)

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.

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

1. Is the proposed zone appropriate for the Comprehensive Plan land use designation on the property and is it consistent with the description and policies for the applicable Comprehensive Plan land use classification? Explain:

Subject property is currently R1 and has a comp plan for R3

2. Can the uses permitted in the proposed zone be accommodated on the proposed site without exceeding its physical capacity? Explain:

Yes

3. Can allowed uses in the proposed zone be established in compliance with the development requirements in this Development Code? Explain:

Yes

4. Are adequate public facilities, services, and transportation networks in place or planned to be provided concurrently with the development of the property? Explain:

Yes

5. For residential zone changes, are the criteria listed in the purpose statement for the proposed residential zone met? Explain:

Yes

LINN County Assessor's Summary Report

Real Property Assessment Report

FOR ASSESSMENT YEAR 2022

February 23, 2023 2:44:46 pm

Account # 256848
Map # 13S01E32AA 00600
Code - Tax # 05501-256848

Tax Status ASSESSABLE
Acct Status ACTIVE
Subtype NORMAL

Legal Descr See Record

Mailing Name LUND ERIC & KENDRA & MARK & STUTZMAN M

Deed Reference # 2022-20202

Agent
In Care Of C/O ERIC & KENDRA LUND

Sales Date/Price 12-28-2022 / \$330,000.00

Mailing Address 6321 LAKEPOINTE WAY
 SWEET HOME, OR 97386

Appraiser UNKNOWN

Prop Class 100 **MA** **SA** **NH** **Unit**
RMV Class 100 04 03 003 24367-1

Situs Address(s) **Situs City**

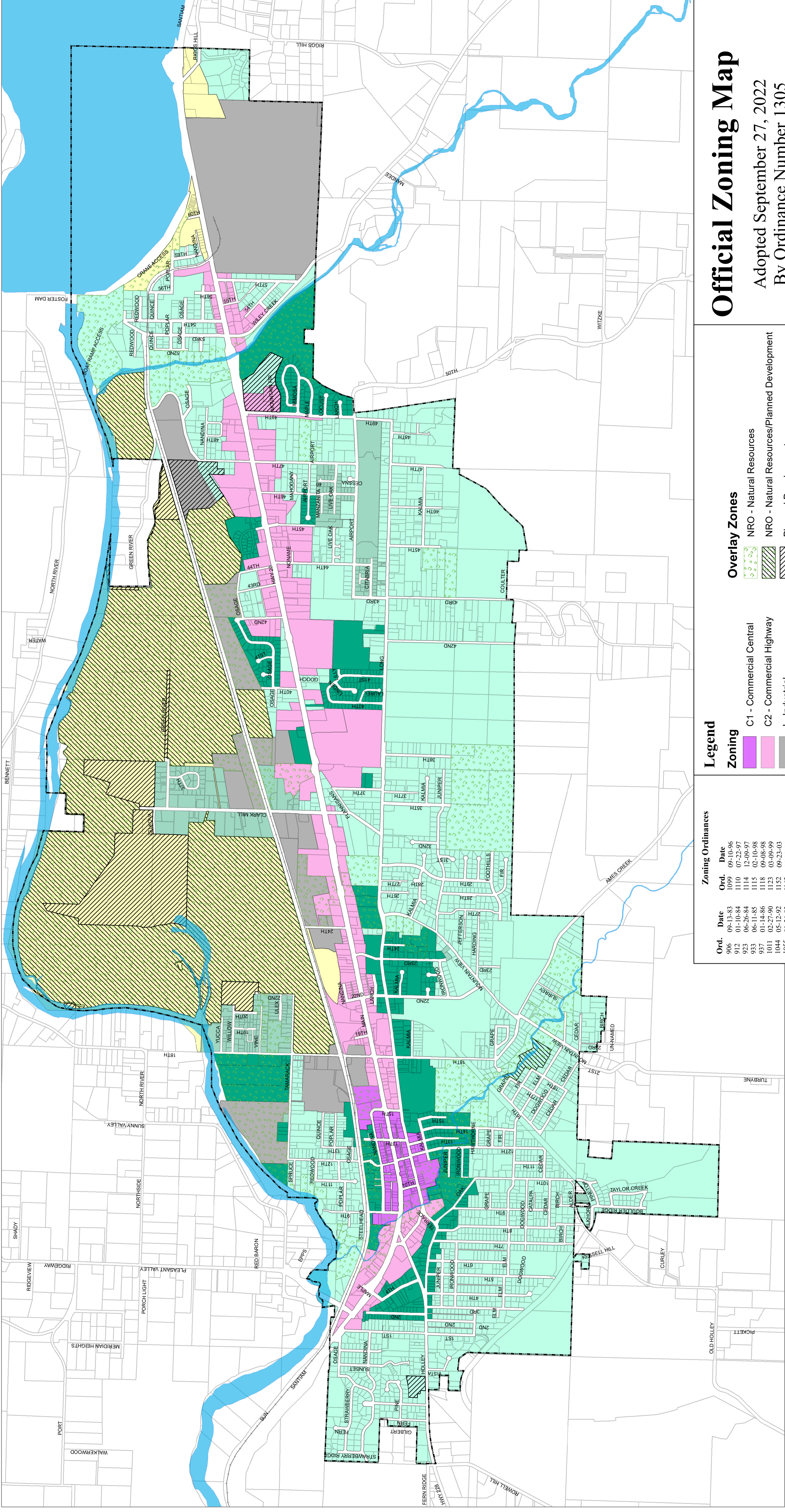
Code Area	RMV	MAV	Value Summary AV	RMV Exception	CPR %
05501 Land	313,760			Land	0
Impr.	0			Impr.	0
Code Area Total	313,760	81,370	81,370		0
Grand Total	313,760	81,370	81,370		0

Code Area	ID#	RFPD	Ex	Plan Zone	Value Source	TD%	LS	Size	Land Class	Trended RMV
05501	1	<input checked="" type="checkbox"/>			Market	106	A	5.18		313,760
Grand Total									5.18	313,760

Code Area	ID#	Yr Built	Stat Class	Description	Improvement Breakdown	TD%	Total Sq. Ft.	Ex%	MS Acct #	Trended RMV
Grand Total										0

Comments: ***** CAP NOTE - Type R *****
 SAME OWNER AS TAX LOT 500

Sweet Home Zoning



Official Zoning Map

Adopted September 27, 2022
By Ordinance Number 1305
Updated by Later Zoning Ordinances

0

0.5

1

Miles

1 inch equals 0.16 miles

Zoning Ordinances

Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1069	06-22-93	1169	03-22-05
1070	04-26-94	1178	01-10-06
1080	11-08-94	1181	03-14-06
1081	12-13-94	1192	07-24-07
1083	06-19-96	1193	09-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
1105	05-27-97	1305	09-27-22

Legend

Zoning

- C1 - Commercial Central
- C2 - Commercial Highway
- I - Industrial
- R1 - Residential Low-Density
- R2 - Residential Medium-Density
- R3 - Residential High-Density
- RC - Recreation Commercial

Overlay Zones

- NRO - Natural Resources
- NRO - Natural Resources/Planned Development
- Planned Development
- City Limits
- Taxlots

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Reproduced by PR 3/26/15 from original by SV 01/09/09
Updated by JG 10/27/22

Created By:

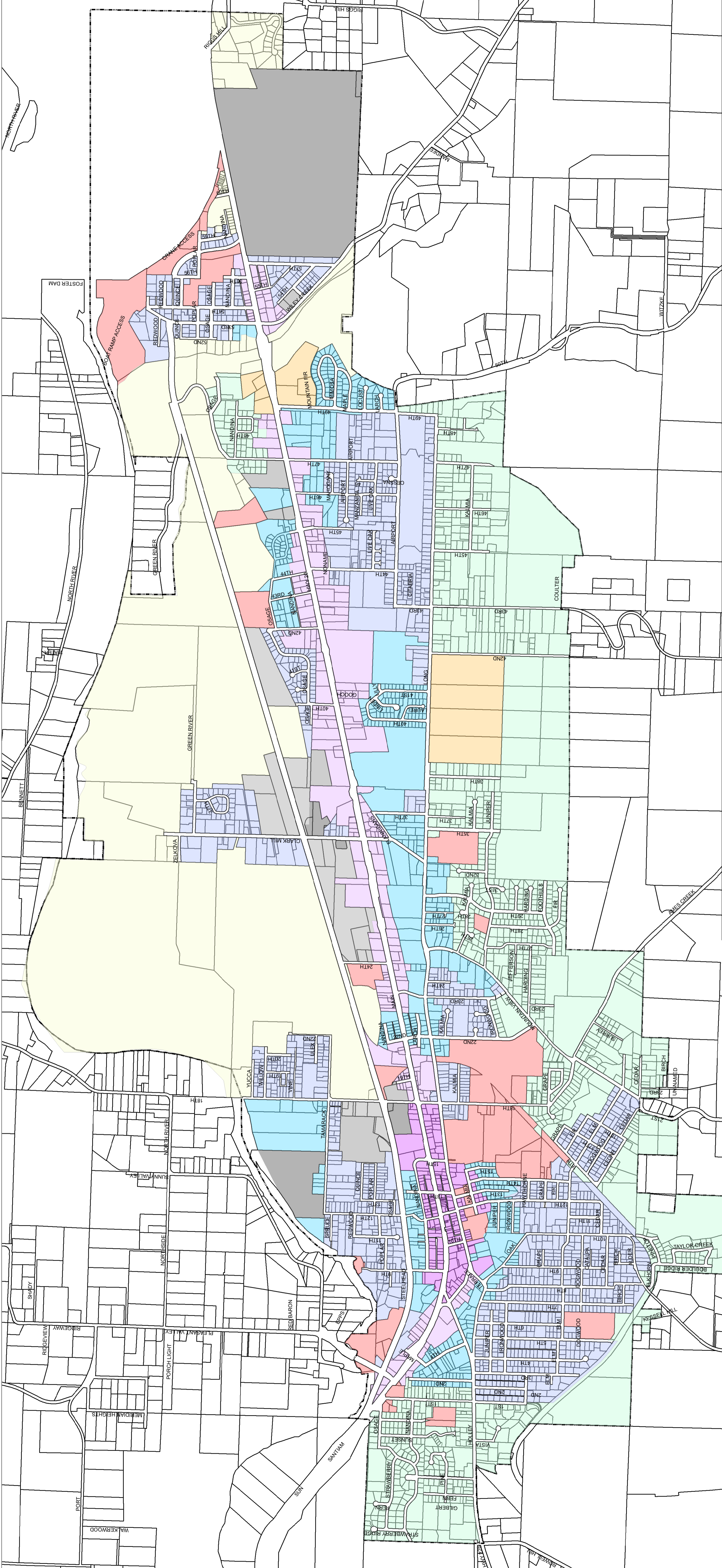
City of Sweet Home

Community Development Department

541-367-8113

Print Date: 10/27/2022

Sweet Home Comprehensive Plan



Official Comprehensive Plan Map

Adopted September 27, 2022
By Ordinance Number 1305
Updated by Later Annexation Ordinances

0 0.475 0.95 Miles
1 inch equals 0.15 miles

Legend

- Zoning Types**
- C1 - Central Commercial
 - C2 - Highway Commercial
 - I-1 Light Industrial
 - I-2 General Industry
 - I-3 Heavy Industrial
 - R1 - Low Density Residential
 - R2 - Medium Density Residential
 - R3 - High Density Residential
 - MU - Mixed Use
 - MUE - Mixed Use Employment
 - PF - Public Facility
- Taxlots**
- Urban Growth Boundary**

AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07
1305	09-27-22

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Reproduced by PR 9/12/14 from original by SV 01/09/09
Updated by JG Oct 2022

Created By:
City of Sweet Home
Community Development Department
541-367-8113

Print Date : 10-31-2022