

ATTACHMENT F



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

OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION ON A LAND USE APPLICATION

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The applicant is proposing to change the Zoning Map in an area consisting of approximately 26,552 square feet (0.61 acre) located on the Linn County Assessor's Map 32CA, tax lots 4735 and 4700, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) 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 held a public hearing on July 6, 2020 and made a recommendation to the City Council. The City Council will hold a public hearing on July 28, 2020 and decide on this application.

APPLICANT: Jim Bradford

PROPERTY OWNER: Seven Star Investments

PROPERTY LOCATION: South end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386; identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Sections(s) 17.12, 17.24, 17.30; OAR 660-012-0060

FILE NUMBER: ZMA20-02

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application ZMA20-02. The Planning Commission received testimony and deliberated on this matter at their July 6, 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 July 6, 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 July 6, 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 July 28, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that

the proposal described in ZMA20-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA20-02 and recommends approval by the City Council.

PLANNING COMMISSION DECISION: July 6, 2020

APPEAL DEADLINE: July 24, 2020 at 5:00 PM

CITY COUNCIL MEETING: July 28, 2020 at 6:30 PM



Jeffery Parker, Planning Commission Chair

7/13/2020

Date



Blair Larsen, Community and Economic Development Director

7/13/2020

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 ZMA20-01

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)]**
 - a. 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]**
 - b. 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]**
 - c. 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 long-term 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 affected.

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]

- d. **Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
 - i. **To accurately reflect changes in the community.**
 - ii. **To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. **Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. **Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]
- g. **Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
 - i. **There is a need for the proposed change;**
 - ii. **The identified need can best be served by granting the change requested;**
 - iii. **The proposed change complies with the Statewide Planning Goals; and,**
 - iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]
- i. **High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 26,552 square feet (0.61 acre) property identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 04735 and 04700 (Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Residential Medium Density (R-3).

Based on the Linn County 2017 aerial photograph, the area is surrounded by Low Density and High Density Residential dwellings. The applicant states a desire to develop a multi-family dwelling on the subject property.

Based on the findings above the proposed zoning plan designation would 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 applicant states that the proposed zoning map amendment would be consistent with the pattern of development in the area, based on the 2017 Linn County aerial photograph Staff finds that the subject property is surrounded by Low Density and High Density Residential dwellings.

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: Water and sanitary sewer services are available at 23rd Avenue and Mountain View Road. The subject property has frontage along 23rd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with a multi-family dwelling in the future. Staff finds that utilities and services are efficiently provided to serve the proposed use of a multi-family dwelling or other potential uses in the proposed zoning district.

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.

- 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:**
 - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b. Change standards implementing a functional classification system; or**
 - c. 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.**
 - i. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - ii. 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**
 - iii. 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 subject property has existing frontage along 23rd Avenue. 23rd Avenue is identified as a local street in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in zoning from the Residential Low Density (R-1) to the Residential Medium Density (R-3) zone. The proposed use would be consistent with the Comprehensive Plan Map designation. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan.

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

NOTICE OF DECISION ON A LAND USE APPLICATION

REQUEST: The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.

The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application.

APPLICANT: Jim Bradford

OWNER (PARCEL 1): Seven Star Investments

OWNER (PARCEL 2): Seven Star Investments

FILE NUMBER: PLA20-02

PROPERTY LOCATION: **Parcel 1 (Property A):** located approximately 100 feet southeast of Ironwood Street, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04735

Parcel 2 (Property B): located along the northeast property line of Parcel 1 and abutting Mountain View Road, Sweet Home 97386, Oregon; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04700

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.30.040 (per the approval of ZMA20-02)

STAFF CONTACT: Angela Clegg. Phone: (541) 367-8113
Email: aclegg@sweethomeor.gov

DATE MAILED: July 28, 2020

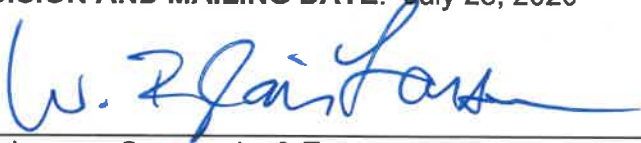
DECISION

Based on the Review and Design Criteria listed in the Staff Report, Application PLA20-02 for a Property Line Adjustment is Approved with Conditions. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III of the Staff Report). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.)

Conditions of Approval:

1. The final configuration of Parcel 1 and Parcel 2 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.
2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-3 Zone (per the approval of ZMA20-02). See SHMC 17.30.050. The properties are in the Residential Low-Density (R-1) Zone.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
 - A. The names of the parties;
 - B. The description of the adjusted line;
 - C. References to original recorded documents; and
4. Signatures of all parties with proper acknowledgment. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

DECISION AND MAILING DATE: July 28, 2020



Blair Larsen, Community & Economic Development Director

7/28/2020
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than August 10th, 2020 at 5:00 PM (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 Planning Commission 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.

The 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 will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 367-8113.

**SWEET HOME COMMUNITY AND ECONOMIC DEVELOPMENT DEPARTMENT
STAFF REPORT**

REQUEST: The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.

The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application.

APPLICANT: Jim Bradford

OWNER (PARCEL 1): Seven Star Investments

OWNER (PARCEL 2): Seven Star Investments

FILE NUMBER: PLA20-02

PROPERTY LOCATION: **Parcel 1 (Property A):** located approximately 100 feet southeast of Ironwood Street, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04735

Parcel 2 (Property B): located along the northeast property line of Parcel 1 and abutting Mountain View Road, Sweet Home 97386, Oregon; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04700

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.30.040 (per the approval of ZMA20-02)

STAFF CONTACT: Angela Clegg. Phone: (541) 367-8113
Email: aclegg@sweethomeor.gov

I. PROPERTY DESCRIPTION

Zoning Map and Comprehensive Plan Map Designations

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1) Zone With approval of ZMA20-02, R-3	Medium Density Residential
Property North	Residential Low Density (R-1) Zone Residential High Density (R-2) Zone	Low Density Residential Medium Density Residential High Density Residential
Property East	Residential Low Density (R-1) Zone	High Density Residential
Property South	Residential Low Density (R-1) Zone	Low Density Residential

Property West	Residential Low Density (R-1) Zone	Low Density Residential
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Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.

Wetlands: Proposed Parcels 1 and 2 are not in the Natural Resources Zone, the 100-year floodplain, or the 500-year flood plain. They are not listed as a Significant Wetland on the National Wetlands Inventory (NWI) Map and on the Sweet Home Local Wetlands Inventory Map.

Access: Parcels 1 and 2 would have access from 23rd Avenue.

Water and Sewer Services: Parcel 1 and 2 have access to City water and sewer

II. COMMENTS RECEIVED

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

Engineering: Project & Location: This Property Line Adjustment at the south end of 23rd Ave off Long St will create a through-lot connecting with Mountain View Road between 22nd Ave and Juniper St. Drive access is planned from 23rd Ave, pedestrian access may be developed to the Mtn View Road frontage.

Streets & Stormwater: 23rd Ave is an improved roadway with curb, gutter, sidewalk and a curbed cul-de-sac at the south end. 23rd Avenue is a Local category roadway. The ROW is a variable width at the cul-de-sac spreading to about 68ft from the standard 23rd Ave width of 50ft.

Mtn View Road is an unimproved roadway with roadside gravel shoulders and drainage. Mtn View Road is also a Collector category roadway. The ROW is 50ft wide at this point, with 22ft of pavement.

Water & Sanitary: Water and Sewer are available in both 23rd Ave and Mtn View Road.

Comments & Recommendations: Upon development, City recommends connection services off 23rd Ave, utilities are deep in the Mtn View Road Right-Of-Way. As a commercial development, sidewalks along with the driveway apron on the cul-de-sac, as well as the frontage on Mtn View Road will be required. CEDD-IS has no concerns with the property line adjustment.

Public Works: I recommend restricting vehicle access from the Mountain View frontage due to the steep topography. Access from 23rd Ave will be much safer. Completion of the 23rd Ave cul-de-sac sidewalk connection should be required upon development.

There is a sidewalk corridor plan for Mountain View Rd. CEDD should consider whether to require construction of half street improvements on Mountain View Rd upon development.

There is a City sewer main which runs by easement from 23rd Ave to Mountain View Rd across the west end of the property. There is a private sewer lateral that runs across the west end of the property to serve adjacent lot 4736 to the south. These are within the former 23rd Ave right-of-way area. I think easements for these utilities were recorded with the right-of-way vacation, but this should be verified prior to finalization of this PLA so that any missing easements can be created.

My maps indicate a drainage channel near the northwest and northeast sides of the property which conveys runoff from sections of Mountain View Rd, Juniper St, and 27th Ave. I don't believe it has an easement so an easement should be created. I also recommend that the developer relocate the channel to align with the property edges (and maybe pipe it) as needed to minimize interference with the buildable area of the property. The easement should be 20ft wide and should be laid out wherever the permanent location of the drainage will be.

Fire Chief: No comments as of the mailing of this notice.

Public Comments: See Attachment C

III. REVIEW CRITERIA AND FINDINGS OF FACT

An application for a property line adjustment is subject to the review criteria listed in Sweet Home Municipal Code Section (SHMC) 16.32.020. SHMC Section 16.32.020 authorizes the City Planner to conduct such review and render a decision on this matter. Staff findings of fact and analysis are as follows:

A. The property line adjustment does not create a new lot or a land-locked parcel.
[SHMC 16.32.020(A)]

Staff Findings: There are currently two properties subject to this adjustment. Proposed Parcel 1 has frontage along 23rd Avenue and Proposed Parcel 2 has frontage along Mountain View Road. Based on the applicant's plot plan, the property line adjustment won't create a new lot or a land locked parcel.

The application complies with this criterion.

B. The adjusted properties are not reduced below the minimum standards of the zoning district and do not otherwise violate standards of this title or Title 17 or any applicable building code. [SHMC 16.32.020(B)]

1. An application for a property line adjustment shall be signed by all property owners involved in the proposed adjustment, and a map showing the following details shall be submitted:
 - a) The scale, north arrow and date of the map.
 - b) The Linn County Tax Map and Tax Lot number identifying each parcel involved in the adjustment.
 - c) The location, width and purpose of any existing or proposed easements.
 - d) Existing and proposed driveway accesses to a public right-of-way.
 - e) The current and proposed property lines for each subject property.
 - f) The existing and proposed dimensions of each property and the lot area of each property.
 - g) All existing structures on the properties.
 - h) Existing and proposed utility services and stub locations, including the following:
 - (1) Water;
 - (2) Sanitary sewer;
 - (3) Storm and surface water drainage;
 - (4) Power;
 - (5) Gas;
 - (6) Telephone;
 - (7) Cable; and
 - (8) Other utilities.

- i) **Adjacent public right-of-way's, including the width of each.**
- j) **The legal description for each subject property involved in the adjustment describing their new boundaries. [SHMC 16.32.030]**

Staff Findings: The applicant's plot plan and information in the City of Sweet Home GIS provide the above referenced information.

- 2. **Except as provided in § 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:**
 - a) **The minimum lot area shall be 5,000 square feet; and**
 - b) **The minimum lot width at the front building line shall be 70 feet for a corner lot; 60 feet for an interior lot. [SHMC 17.28.040]**
- 3. **In an R-2 zone, buildings shall not occupy more than 60% of the lot area. [SHMC 17.28.060]**
- 4. **Except as provided in § 17.08.050, the minimum lot size and width in a R-2 zone shall be as follows:**
 - a) **The minimum lot area shall be 5,000 square feet; and**
 - b) **The minimum lot width at the front building line shall be 70 feet. [SHMC 17.28.040]**

Staff Findings: The applicant submitted a plot plan and Staff have submitted a City of Sweet Home GIS map that depicts the proposed adjustment. The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.

The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application.

With the above referenced conditions, the application complies with these criteria.

- 5. **Off-Street Parking Requirements. For each new structure or use, each structure or use increased in area and each change in the use of an existing structure there shall be provided and maintained off-street parking areas in conformance with the provisions of this section. [SHMC 17.08.090]**

Staff Findings: The applicant has requested a property line adjustment between two Parcels. The proposal would not impact parking to the property.

The application complies with these criteria.

- 6. **Lots and Parcels [SHMC 16.12.030]**
 - a) **Size and shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated.**
 - b) **No lot or parcel shall be dimensioned to contain a part of an existing or proposed street.**
 - c) **Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17.**
 - d) **Lot depth shall not exceed two and one-half times the average width.**

- e) **Frontage.** Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet.
- f) **Access easements.** Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels.
- g) **Through lots** should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation.
 - (1) A planting screen easement of at least ten feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses.
 - (2) Lots shall be served from only one side via a local street.
 - (3) A through lot shall have the yard abutting a street that has no access to the back yard, and shall utilize setbacks for a back yard as per the underlying zone standards.
- h) **Lot side lines.** The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.
 - (1) Topographical conditions or street configurations may warrant an angle.
 - (2) Generally, any angle should not exceed 30° from a right angle to the street.
- i) **Flag Lots.** Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements.
- j) **If special setbacks** are to be established in a subdivision or partition through the variance process, they shall be shown on the tentative plan and final plat and included in the deed restrictions.

Staff Findings: The average width of Proposed Parcel 1 is approximately 74 feet, and the average depth of Proposed Parcel 1 is approximately 160 feet. The average width of Proposed Parcel 2 is approximately 93 feet, and the average depth of Proposed Parcel 2 is approximately 153 feet.

The proposed combined lots would maintain frontage along 23rd Avenue. Staff recommends a condition of approval that development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire codes and other development requirements of the Sweet Home Municipal Code.

The application complies with this criterion

- C. **The adjusted properties do not encroach into required yard setbacks, existing buildings or easements. [SHMC 16.32.020(C)]**
 - 1. The front yard shall be a minimum of 20 feet. [SHMC 17.28.050(A)]
 - 2. Each side yard shall be a minimum of five feet. [SHMC 17.28.050(B)]
 - 3. The street side yard shall be a minimum of 15 feet. [SHMC 17.28.050(C)]
 - 4. The rear yard shall be a minimum of 10 feet. [SHMC 17.28.050(D)]
 - 5. Single-family attached dwellings:

- a. Front shall be a minimum of 20 feet;
 - b. The sides between units shall be zero feet;
 - c. The sides on exterior boundaries shall be five feet;
 - d. Street side shall be a minimum of 15 feet; and
 - e. Rear shall be a minimum of ten feet.
6. On a flag lot or similarly configured lot, the inset front yard setback shall be a minimum of ten feet.

Staff Findings: The applicant's plot plan (Attachment B) depicts the existing property lines between Lot 4735 and Lot 4700. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.

The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application.

With the above condition, the application complies with this criterion.

- D. The adjusted properties comply with any previous requirements or conditions imposed on the property in previous land use decisions or permitting processes. [SHMC 16.32.020(D)]**

Staff Findings: Tax Lot 4735 and Tax Lot 4700 were created by the recording of Survey C.S. 23507, SEC. 32, T. 13 S., R. 1E., dated March 12, 2003. City of Sweet Home, Linn County, OR. Staff reviewed the Survey and finds that the proposed property line adjustment replat complies with previous requirements and conditions imposed on the property in previous land use decisions or permitting processes.

The application complies with this criterion

- E. Lot line adjustments shall be surveyed and monumented as required by O.R.S. Chapter 92. [SHMC 16.32.020(F)]**

Staff Findings: Staff recommends that a condition of approval require that the proposed property line adjustment be surveyed and monumented as required by ORS Chapter 92. With this condition, the application complies with this criterion.

- 1. Documents must conform with the survey for the subject properties in accordance with O.R.S. Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall contain the following:**
- a) The names of the parties;
 - b) The description of the adjusted line;
 - c) References to original recorded documents; and
Signatures of all parties with proper acknowledgment. [SHMC 16.32.040]

Staff Findings: Staff recommends that this requirement of the SHMC be listed as a condition of approval. The criteria for the recording requirements are listed in SHMC 16.32.040. Staff recommends that a condition of approval require:

- 1. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
 - A. The names of the parties;

- B. The description of the adjusted line;
- C. References to original recorded documents; and
- D. Signatures of all parties with proper acknowledgment.

With the above condition the application complies with these criteria.

- F. A property line adjustment within a subdivision or partition plat will conform with O.R.S. 92.190. [SHMC 16.32.020(E)]**
- 2. A property line adjustment replat will meet all requirements for a replat as per O.R.S. 92.190. [SHMC 16.32.050]**
 - 3. ORS 92.190 Effect of replat; operation of other statutes; use of alternate procedures.**
 - a) The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions. [ORS 92.190(1)]**
 - b) Nothing in ORS 92.180 to 92.190 is intended to prevent the operation of vacation actions by statutes in ORS chapter 271 or 368. [ORS 92.190(2)]**
 - c) The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010 (12), as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7). [ORS 92.190(3)]**
 - d) A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment. [ORS 92.190(4)]**

Staff Findings: This application is a Property Line Adjustment replat per SHMC 16.32.010.

- 1. The property line adjustment shall meet all of the requirements for a replat as required by ORS 92.190.
 - A. The replat of a portion of a recorded plat shall not act to vacate any recorded covenants or restrictions.
 - B. Nothing in ORS 92.180 to 92.190 is intended to prevent the operation of vacation actions by statutes in ORS chapter 271 or 368.
 - C. The governing body of a city or county may use procedures other than replatting procedures in ORS 92.180 and 92.185 to adjust property lines as described in ORS 92.010 (12), as long as those procedures include the recording, with the county clerk, of conveyances conforming to the approved property line adjustment as surveyed in accordance with ORS 92.060 (7).
 - D. A property line adjustment deed shall contain the names of the parties, the description of the adjusted line, references to original recorded documents and signatures of all parties with proper acknowledgment.

With the above conditions, the application complies with this criterion.

IV. CONCLUSION

Based on the Review Criteria above, for a property line adjustment. The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

Conditions of Approval:

1. The final configuration of Parcel 1 and Parcel 2 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. See the attached site plans. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are in the Residential Low Density (R-1) Zone.

The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application

2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-3 Zone. See SHMC 17.30.050. The applicant is proposing a zone change from Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. Application ZMA20-02 is being filed simultaneously with this Property Line Adjustment Application
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
 - A. The names of the parties;
 - B. The description of the adjusted line;
 - C. References to original recorded documents; and
 - D. Signatures of all parties with proper acknowledgment.
4. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

V. Attachments:

- A: Subject Property Map
- B: Site Plan
- C: Public Comments
- D: Wetland Land Use Notification Response
- E: Application



1 inch = 85 feet

Subject Property Map
PLA20-02 and ZMA20-02
13S01E32CA, Lots 4735 & 4700

Date: 8/7/2018

26121116 5a 1

SEE MAP 13 1E 32

MAP "A"

S 89°45' W

4733
0.49 AC.

4734
0.83 AC.

SUBJECT LOT
LINE FOR ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S. 23507

4735
0.33 AC.

P.P.

2003

4736
0.31 AC.

24

3

406
0.42 AC.

P. PLAT

PARCEL

500
0.22 AC.

600
0.19 AC.

23RD AVE

10

31.42

8

4702
0.42 AC.

VACATION BY ORD. 1205
DN 2009-01089

S 47°18'11" W

121.33

106.17

180.00

161.46

95.26

50.66

105.00

12.00

236.94

20.00

80

80.00

9.33

68.32

233.93

84.13

S 37°04'14" E

S 44°27'04" W

S 45°58'19" E

N 45°45'50" W

S 00°18' E

85.61

326.23

50

56.23

145.00

100.00

68.57

152.45

79.20

177.06

157.12

I.P.

I.P.

10

104.69

80

MAP "B"

4733
0.49 AC.

4734
0.83 AC.

PROPOSED LOT
LINE ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S.23507

4735
0.33 AC.

P. P.

2003

L.P.

4736
0.31 AC.

-24-

3

1. P

406
0.42 AC.

4702
0.42 AC.

P. PLAT

PARCEL

500

0.22 AC.

600
0.19 AC.

.00

William A. (Bill) Danning
P. O. Box 429
Talmage, CA 95481
Phone (707) 391-7911

Ms. Angela Clegg, Planning Program
City of Sweet Home Community and Economic Development Department
3225 Main Street
Sweet Home, OR 97386

June 18, 2020

Re: File Number PLA20-02

Dear Ms. Clegg,

I appreciate your kindness to answer my several questions about this project. This letter is to register a concern which I hope will be addressed as this project is considered and possibly implemented.

My property (2295 Ironwood St.) is at the bottom of the hill at the corner of Ironwood and 23rd Avenue. There is a small, not very deep creek at the back of my property at the base of the hill. My concern is that this creek is not overfilled by additional water flows caused by changes up the hill. Changes that might cause blockage of the creek's water flow would also be an issue. I request that your professionals please assure that any development includes effective drainage of surface and storm waters so that the parcels at the bottom of the hill are not harmed. Please include study of the potential for water flows, mud flows and slides of mud or earth.

Thank you,

A handwritten signature in cursive script, appearing to read "William A. Danning", with a long, sweeping horizontal line extending to the right.

William A Danning



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2020-0390

Responsible Jurisdiction

Staff Contact

Angela Clegg

Jurisdiction Type

City

Municipality

Sweet Home

Local case file #

ZMA20-02 and PLA20-02

County

Linn

Activity Location

Township	Range	Section	QQ section	Tax Lot(s)
13S	01E	32	CA	4700,4735

Street Address

933 23rd Avenue

Address Line 2

City

Sweet Home

Postal / Zip Code

97386

State / Province / Region

OR

Country

Linn

Latitude

44.395418

Longitude

-122.715843

Wetland/Waterway/Other Water Features

☒ There are/may be wetlands, waterways or other water features on the property that are subject to the State Removal-Fill Law based upon a review of wetland maps, the county soil survey and other available information.

☒ Local Wetlands Inventory shows wetland, waterway or other water features on the property

Your Activity

☒ It appears that the proposed project **may** impact wetlands and **may** require a State permit.

- ☒ An onsite inspection by a qualified wetland consultant is recommended prior to site development to determine if the site has wetlands or other waters that may be regulated. The determination or delineation report should be submitted to DSL for review and approval. Approved maps will have a DSL stamp with approval date and expiration date.

Applicable Oregon Removal-Fill Permit Requirement(s)

- ☒ A state permit is required for 50 cubic yards or more of fill removal or other ground alteration in wetlands, below ordinary high water of waterways, within other waters of the state, or below highest measured tide.

Closing Information

Additional Comments

Based on review of mapping submitted, and after review of available information for the subject tax lots, the proposed project ("Lot combination and duplex") may impact jurisdictional wetlands of the state and may require a permit from DSL. The local wetland inventory for Sweet Home has a wetland mapped on TL 4735. It is recommended that you have the subject lots assessed by a qualified wetland professional. If jurisdictional wetlands/waterways are found on the lots, a wetland delineation should be conducted and the resultant delineation report should be submitted to DSL for review and approval prior to any earth moving activities.

This is a preliminary jurisdictional determination and is advisory only.

This report is for the State Removal-Fill law only. City or County permits may be required for the proposed activity.

- ☒ A Federal permit may be required by The Army Corps of Engineers: (503)808-4373

Contact Information

- For information on permitting, use of a state-owned water, wetland determination or delineation report requirements please contact the respective DSL Aquatic Resource, Proprietary or Jurisdiction Coordinator for the site county. The current list is found at: <http://www.oregon.gov/dsl/ww/pages/wwstaff.aspx>
- The current Removal-Fill permit and/or Wetland Delineation report fee schedule is found at: <https://www.oregon.gov/dsl/WW/Documents/Removal-FillFees.pdf>

Response Date

6/30/2020

Response by:

Grey Wolf

Response Phone:

503-986-5321

Property Line Adjustment Application Form 2/7/18

City of Sweet Home 3225 Main Street Sweet Home, OR 97386 541-367-8113 Fax 541-367-5113

Community and Economic Development Department
www.sweethomeor.gov

Application for a Property Line Adjustment or a Property Line Adjustment / Replat

Date Received: 06.08.20 Date Complete: 06.08.20 File Number: PLA-20-02

Application Fee \$: \$160.00/\$200.00 \$160.00 ~~200.00~~ 80.00 Receipt #: 3947 Applicant's Name:

jim bradford Within 30 days following the
filing of this application, Applicant's Address:

the City Planner will make a determination of

completeness regarding the application. If deemed Applicant's Phone and e-mail:
complete, the application will be processed.

Property A Property B Owner's Name: jim

bradford

Owner's Name: _____ Owner's Address: 1625

Cascade dr Lebanon

Owner's Address: _____ Owner's Phone and

e-mail: 541-570-2278

TWOBROTHERSCONSTRUCT@GMAIL.COM

Owner's Phone and email: _____ Property

Address: _____

Property Address: 933 23RD AVE.

Assessor's Map and Tax Lot: LOT

4735+4700

Assessor's Map and Tax Lot: _____ Property

Size Before: LOT 4735 .33AC

Property Size After: .61 AC

Property Size Before: LOT 4700 .28AC

Property Size After: .61 AC FOR BOTH 4735+4700 Zoning

Classification R1 COMP PLAN IS R2 APP FOR

R3

Zoning Classification: _____

Submittal Requirements The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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: 6-1-2020

Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____

SHMC 16.32.030 APPLICATION REQUIREMENTS

An application for a property line adjustment must meet the submittal requirements and the decision criteria noted below.

_____ 1. An application for a property line adjustment shall be signed by all property owners involved in the proposed adjustment, and a map showing the following details shall be submitted:

_____ a. The scale, north arrow and date of the map. _____ b. The Linn County Tax Map and Tax Lot number identifying each parcel involved in the adjustment _____ c. The location, width and purpose of any existing or proposed easements. _____ d. Existing and proposed driveway accesses to a public right-of-way. _____ e. The current and proposed property lines for each subject property. _____ f. The existing and proposed dimensions of each property and the lot area of each property. _____ g. All existing structures on the properties. _____ h. Existing and proposed utility services and stub locations, including the following:

_____ 1. Water _____ 4. Power _____ 7. Cable _____ 2. Sanitary sewer _____ 5. Gas _____ 8. Other utilities _____ 3. Storm and surface water drainage _____ 6. Telephone

_____ 2. Adjacent public right-of-ways, including the width of each. _____ 3. The legal description for each subject property involved in the adjustment describing their new

boundaries. **SHMC 16.32.020 PROPERTY LINE ADJUSTMENT**

CRITERIA.

The City Planner will approve, approve with conditions, or deny the request for a property line adjustment based on the following criteria:

_____ A. The property line adjustment does not create a new lot or a land-locked parcel. _____ B. The adjusted properties are not reduced below the minimum standards of the zoning district and do not otherwise violate standards of this title or Title 17 or any applicable building code. _____ C. The adjusted properties do not encroach into required yard setbacks, existing buildings or easements. _____ D. The adjusted properties comply with any previous

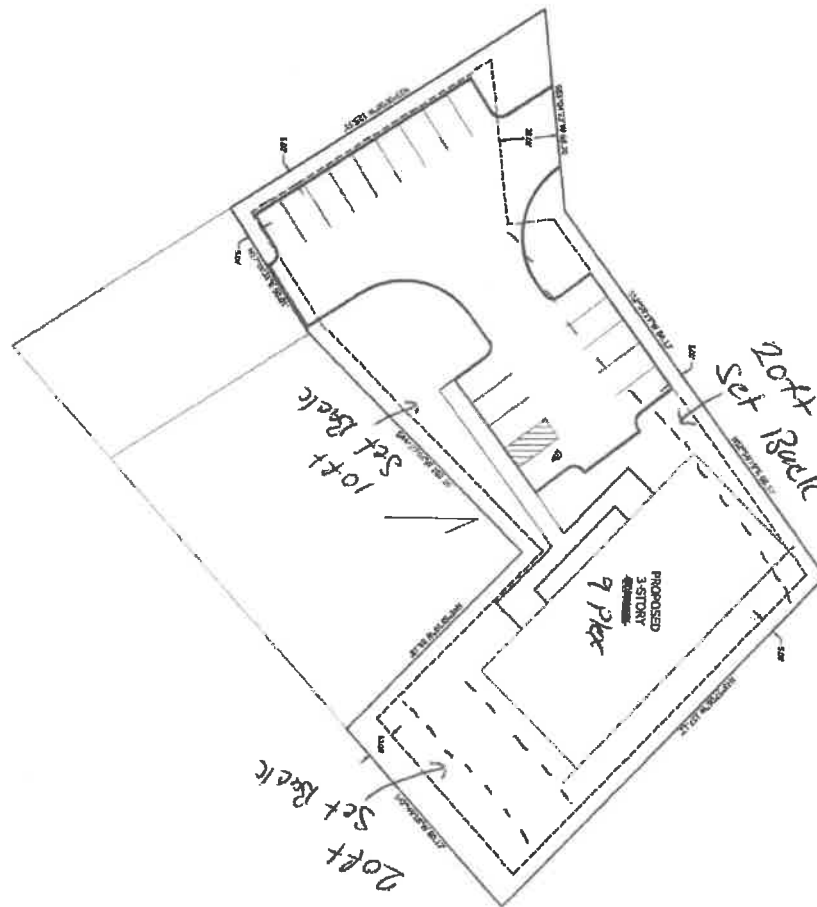
requirements or conditions imposed on the

property in previous land use decisions or permitting processes. _____ E. A property line adjustment within a subdivision or partition plat will conform to O.R.S. 92.190. _____ F. Lot line adjustments shall be surveyed and monumented as required by O.R.S. Chapter 92.

Property Line Adjustment Application Form
2/7/18

JM BEASLEY

Revised Set Backs
9 plex To shift over To meet set back
code.



NAME	DATE

SCALE: SEE SCHEDULE
SHEET C100

REVIEW COPY
NOT FOR
CONSTRUCTION

DATE: JUNE 11, 2008
PROJECT: BRADFORD
DRAWN BY: JMB
CHECKED BY: JMB

SITE PLAN
BRADFORD
MULTI-FAMILY DEVELOPMENT
SWEET HOME, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(503) 451-5125 PH.
(503) 451-3366 FAX

CLIENT:
CLIENT
ADDRESS
CITY, STATE
PHONE/EMAIL



For Application
PLA 20-02

6/03/2020

Property location 933 23rd Ave Sweet Home Or

Included is plot map for tax lots 4735 and 4700 for lot line adjustment of 79.20 feet as noted on map "A" and map "B" Map "A" is where existing lot line as noted on Map "A"

Map "B" shows the proposed adjusted lot line for tax lots 4735 and 4700

SEE MAP 13 1E 32

MAD "A"

S 89°45' W

4733
0.49 AC.

4734
0.83 AC.

SUBJECT LOT
LINE FOR ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S.23507

4735
0.33 AC.

P. P.

2003

I.P.

4736
0.31 AC.

-24-

2

406
0.42 AC.

AT

PARCEL

500

0.22 AC.

600
0.19 AC.

23RD AVE

10

8

VACATION BY ORD. 1205
S 33

DN 2009-01069)

4702
0.42 AC.

P. PLAT

PARCEL

[illegible]

ORDINANCE BILL NO. 11 FOR 2020

ORDINANCE NO.1291

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the applicant, Jim Bradford, applied for a Zone Change, application ZMA20-02, and requested a zone map change for an area consisting of 0.61 acres located at the south end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density Residential (R-1) Zone to the Residential Medium Density (R-3) Zone. The subject property is identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735. The applicant has requested a property line adjustment between two lots. Application PLA20-02 was filed simultaneously as the Zone Map Amendment application. The property Line Adjustment application is a Type I, Administrative Decision application. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are currently in the Residential Low Density (R-1) Zone.; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on July 6, 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 July 6, 2020 meeting, and recommended that the City Council approve application ZMA20-02; and

WHEREAS, the City Council held a public hearing on this matter on July 28, 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 July 28, 2020 meeting; and

WHEREAS, the proposed R-3 zoning is needed to facilitate development of the subject property;

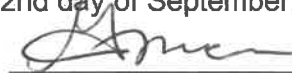
Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA20-02 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 including all subsequent amendments, for the an area consisting of 0.61 acres located at the south end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386.; and identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735. The Official Zoning Map shall be amended from the Residential Low Density (R-1) 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 22nd day of September, 2020.

 9-22-2020

Mayor

ATTEST:

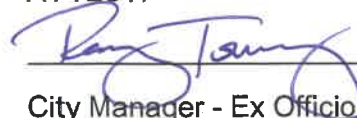
 23 SEPT 2020
City Manager - Ex Officio City Recorder

Exhibit A
Ordinance No. 11 for 2020 – Ordinance No. 1291

Findings of Fact in Support of Zone Change Application ZMA20-02

Exhibit A to Order of Approval for ZMA20-02

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)]**
 - a. 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]**
 - b. 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]**
 - c. 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 long-term 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 affected.

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]

- d. Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
 - i. To accurately reflect changes in the community.**
 - ii. To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]
- g. Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
 - i. There is a need for the proposed change;**
 - ii. The identified need can best be served by granting the change requested;**
 - iii. The proposed change complies with the Statewide Planning Goals; and,**
 - iv. The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]
- i. High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 26,552 square feet (0.61 acre) property identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 04735 and 04700 (Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Residential Medium Density (R-3).

Based on the Linn County 2017 aerial photograph, the area is surrounded by Low Density and High Density Residential dwellings. The applicant states a desire to develop a multi-family dwelling on the subject property.

Based on the findings above the proposed zoning plan designation would 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 applicant states that the proposed zoning map amendment would be consistent with the pattern of development in the area, based on the 2017 Linn County aerial photograph Staff finds that the subject property is surrounded by Low Density and High Density Residential dwellings.

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: Water and sanitary sewer services are available at 23rd Avenue and Mountain View Road. The subject property has frontage along 23rd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with a multi-family dwelling in the future. Staff finds that utilities and services are efficiently provided to serve the proposed use of a multi-family dwelling or other potential uses in the proposed zoning district.

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)]**

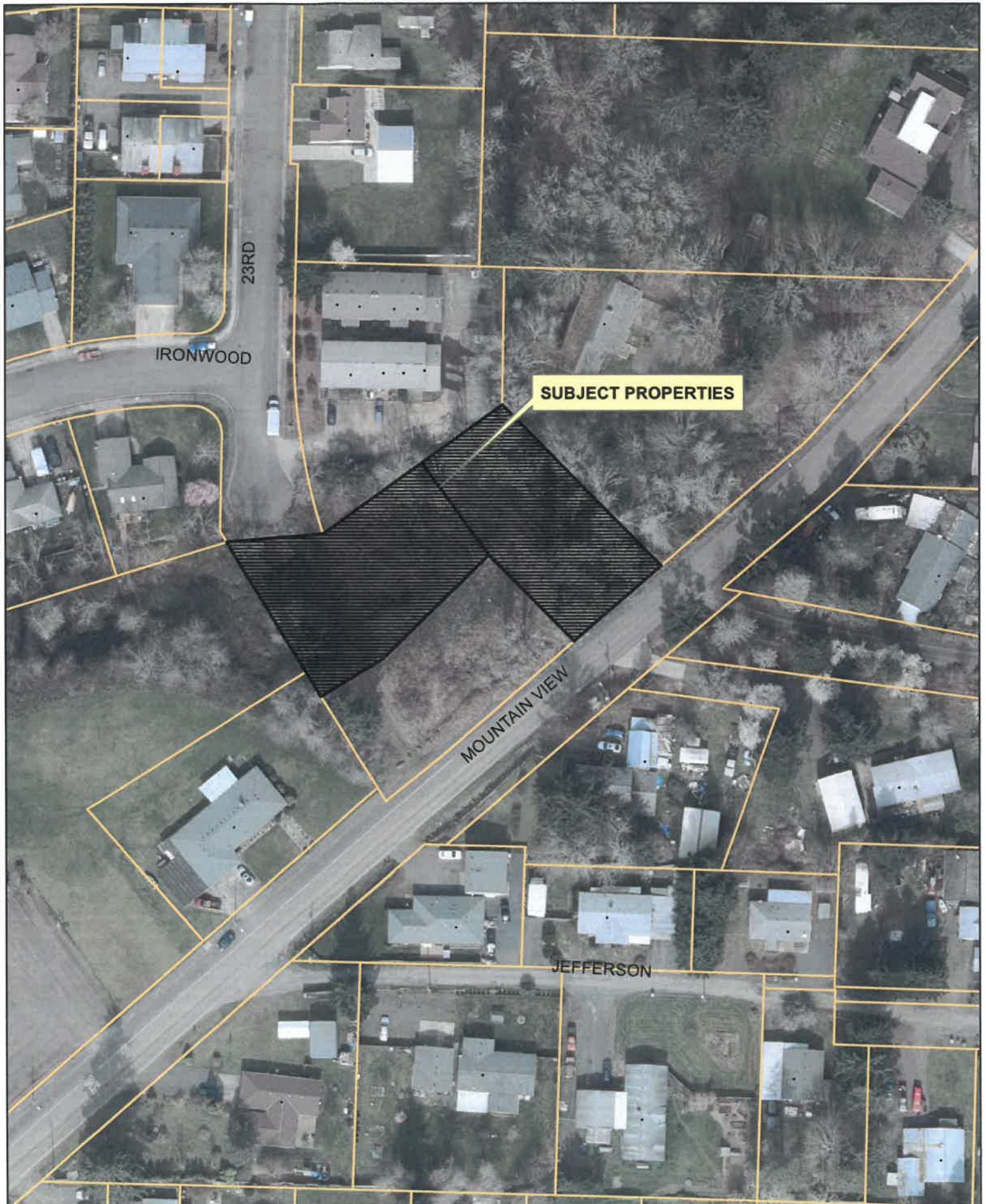
Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

- 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:**
 - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b. Change standards implementing a functional classification system; or**
 - c. 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.**
 - i. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - ii. 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**

- iii. **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 subject property has existing frontage along 23rd Avenue. 23rd Avenue is identified as a local street in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in zoning from the Residential Low Density (R-1) to the Residential Medium Density (R-3) zone. The proposed use would be consistent with the Comprehensive Plan Map designation. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan.

The application complies with this criterion.



1 inch = 85 feet

Subject Property Map
PLA20-02 and ZMA20-02
13S01E32CA, Lots 4735 & 4700

