

ORDINANCE BILL NO. 7 FOR 2021

ORDINANCE NO. 1299

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the applicant, Cadwell Realty Group c/o Jason Cadwell, submitted Zone Change Application ZMA21-03 and requested a zone map change for an area consisting of approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lot 600). The Sweet Home Zoning Map is proposed to change from the Low Density Residential (R-1) Zone to the Medium Density Residential (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on September 2, 2021 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 September 2, 2021, meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on September 14, 2021, with due notice of such public hearing, to provide opportunity for public comment and testimony. The City Council approved this application by motion at their September 14, 2021, meeting; and

WHEREAS, the proposed Medium Density Residential (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 ZMA21-03 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 area consisting of approximately 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lot 600). The Sweet Home Zoning Map is proposed to change from the Low Density Residential (R-1) Zone to the Medium Density Residential (R-3) Zone.

Passed by the Council and approved by the Mayor this _____ day of _____ 2021.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA21-03

Exhibit A to Order of Approval for ZMA21-03

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 62,291 square feet (1.43 acres) located in Sweet Home, OR 97386 (13S01E33A Tax Lots 600). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone and Medium Density Residential.

Based on the Linn County 2021 aerial photograph, the area is surrounded by Residential Low Density, Residential Medium Density and Residential High Density Lots. Subdivision Application SD21-02 is pending the approval of Application ZMA21-03.

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: Staff finds that the proposed zoning map amendment would be orderly and timely, be consistent with the pattern of development in the area, and based on the 2021 Linn County aerial photograph, staff finds that the subject property is surrounded by Low Density Residential, Medium Density Residential and High Density Residential lots.

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 in Live Oak Street. The subject property has frontage along Live Oak Street. The applicant has proposed a subdivision along with the Zone Map Amendment Application. Application SD21-02 is pending the approval of Application ZMA21-03.

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 Live Oak Street. The applicant has proposed a change in zoning from the Residential Low Density (R-1) Zone to Medium Density Residential. 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.