



## 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 20,210 square feet (.46 acres) located 4347 Highway 20, Sweet Home, OR 97386 (13S01E28DC Tax Lot 2500). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Highway Commercial (C-2) 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.

Application ZMA20-04 is being filed simultaneously with Application PLA21-04. Application PLA21-04 is pending the approval of Application ZMA21-01.

**APPLICANT:** Laura LaRoque, Udell Engineering and Land Surveying, LLC

**PROPERTY OWNER:** Jeremy Kinzer

**PROPERTY LOCATION:** 4347 Highway 20, Sweet Home, OR 97386, Sweet Home, OR 97386;  
Identified on the Linn County Assessor's Map as 13S01E28DC Tax Lot 2500.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.12, 17.24, 17.36, OAR 660-012-0060

**FILE NUMBER:** ZMA21-01

#### PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** April 5, 2021 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

#### CITY COUNCIL PUBLIC HEARING:

- **DATE & TIME:** April 27, 2021 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](mailto:aclegg@sweethomeor.gov)

**REPORT DATE:** March 29, 2021

## I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject tract contains approximately 20,210 square feet (.46 acre). The property is currently zoned Commercial Highway (C-2) and the comprehensive plan designation is Residential Low Density (R-1). The applicant is requesting to change the zoning to Highway Commercial (C-2) 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)	Highway Commercial
Property North	Commercial Highway (C-2)	Highway Commercial
Property East	Commercial Highway (C-2)	Highway Commercial
Property South	Residential Low Density (R-1)	Medium Density Residential
Property West	Commercial Highway (C-2)	Highway Commercial

Floodplain            Based on a review of the FEMA FIRM Maps; Panel 41043C0914G dated September 29, 2010, the subject property is 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 Highway 20.

Services:              The subject property has access to City water and sewer services.

### TIMELINES AND HEARING NOTICE:

Application Submitted:	February 18, 2021
Application Deemed Complete:	February 24, 2021
Mailed/Emailed Notice:	February 24, 2021
Notice Published in New Era Newspaper:	March 3, 2021
Planning Commission Public Hearing:	April 5, 2021
City Council Public Hearing	April 27, 2021

Notice was provided as required by SHMC 17.12.120.

## II. COMMENTS

Public Works: Public Works has no issues with this request.

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

Staff Engineer: Regarding ZMA21-01, a zone change on Main St west of 44<sup>th</sup> Ave at the former residential house at 4347 Main St, the location is surrounded by other Highway Commercial (C2) Zoning. This change will match the property to the adjacent zones of the neighborhood. CEDD-ES has no concerns with the ZMA.

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.

**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]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 2.

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 20,210 square feet (.46 acre) property identified on the Linn County Assessor's Map as 13S01E28DC Tax Lot 2500 (see Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Highway Commercial (C-2).

Based on the Linn County 2018 aerial photograph, the area is surrounded by Highway Commercial lots. There is no development planned with the Zone Map Amendment application.

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)]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 8, 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 2018 Linn County aerial photograph, staff finds that the subject property is surrounded by Highway Commercial 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)]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 8, C.

Staff Findings: Water and sanitary sewer services are available in Highway 20. The subject property has frontage along Highway 20. The applicant has not proposed development with this Zone Map Amendment application

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)]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 9, 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 Highway 20. The applicant has proposed a change in zoning from the Residential Low Density (R-1) zone to the Highway Commercial (C-2) 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.

#### **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 ZMA 21-01; which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 21-01 (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. Site Map
- C. Zone Map Amendment Application Summary
- E. Zoning Map
- G. Comprehensive Plan Map
- H. Planning Application Form



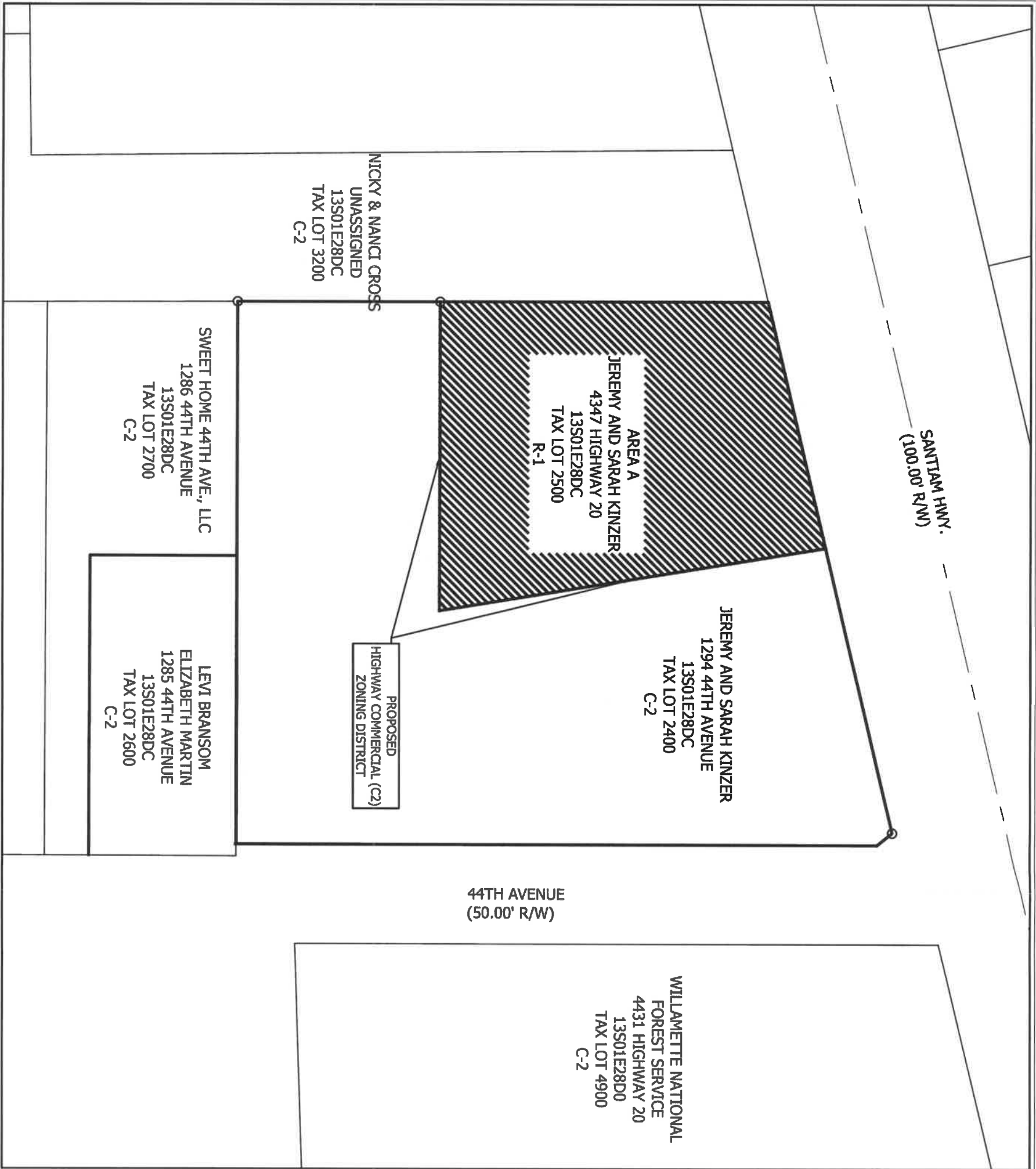


1 inch = 89 feet

Subject Property Map  
ZMA21-01  
437 Highway 20

Date: 2/24/21





SCALE: 1" = 50'

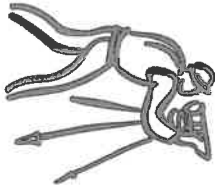
0' 50'

PROPERTY INFORMATION

AREA A:  
ZONING: LOW DENSITY RESIDENTIAL (R1)  
AREA: 0.46-AC.  
LAND USE: VACANT  
OWNER: JEREMY AND SARAH KINZER  
ADDRESS: 4347 HIGHWAY 20  
ASSESSORS MAP: 13S01E28DC  
TAX LOT: 2500

LEGEND

R/W	RIGHT OF WAY
AC	ACRES
(P)	PROPOSED
(E)	EXISTING



SHEET 1  
of 1

SCALE: AS NOTED

Date	2/15/2021
Project	18-026 KINZER PLA
Drawn by	LL
Checked by	KWL

ZONE MAP AMENDMENT

JEREMY KINZER  
4347 HWY. 20  
SWEET HOME, OREGON

UDELL ENGINEERING  
AND  
LAND SURVEYING, LLC

63 EAST ASH ST.  
LEBANON, OREGON, 97355  
541-451-5125

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## ZONE MAP AMENDMENT APPLICATION

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Submitted to: Sweet Home  
Planning Department  
1140 12<sup>th</sup> Avenue Ste. A  
Sweet Home, OR 97386

Applicants/Property Owners: Jeremy Kinzer  
P.O. Box 986  
Lebanon, OR 97355

Applicant's Representative: Udell Engineering and Land Surveying, LLC  
63 E. Ash Street  
Lebanon, OR 97355

Contact: Laura LaRoque  
Email: [laura@udelleng.com](mailto:laura@udelleng.com)  
Phone: (541) 990-8661

Site Location: 4347 Hwy. 20

Linn County Assessor's Map No.: 13S-01E-28DC Tax Lot 2500

Site Size: ±0.46-acres

Existing Land Use: Unimproved

Zone Designation: Residential Low Density (R1)

Comprehensive Plan Designation: Highway Commercial

Surrounding Zoning: North: C2 (across Hwy. 20)  
South: C2  
East: C2 (across 44<sup>th</sup> Avenue)  
West: C2

Surrounding Uses: North: Commercial – Hair Salon/Vehicle Service  
South: Residential  
East: Government – US Forest Service  
West: Commercial – S. Fork Trading Company



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## I. Executive Summary

The proposal is a request to rezone an existing ±0.46-acres vacant parcel from Residential Low Density (R1) Zone to the Highway Commercial (C2) Zone. Subject property is located south of the Santiam Highway/Highway 20 and west of 44<sup>th</sup> Avenue intersection at 4347 Highway 20. The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

The criteria for amending the Sweet Home Zone Map are found in Sweet Home Municipal Code (SHMC) 17.12.025 and are addressed in the applicant's narrative below. This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

## II. Analysis of Development Code Criteria

According to Sweet Home Municipal Code (SHMC) 17.12.010, a quasi-judicial zone map amendment may be initiated by a property owner, representative of the property owner, the City Manager, the Planning Commission, or the City Council.

According to SHMC 17.12.100, the application submittal requirements include an application authorization form, plans, and specifications drawn to scale and showing the actual shape and dimensions of the lot to be built upon; the size and location on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with Section 17.

## III. Review Criteria

SHMC 17.12.025 includes the following review criteria that must be met for a property line adjustment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

### A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.

1.1 The subject property is zoned Residential Low Density (R1) with a Highway Commercial Plan designation. The proposed zoning designation is Highway Commercial (C2). The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

1.2 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44<sup>th</sup> Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

1.3 According to 17.24.010 of the SHMC, the R1 zoning district is intended to provide areas suitable and desirable for single-family homes, associated public services uses, and duplexes on corner lots. The R1 zone is most appropriate in areas which have developed,



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or will develop, with single-family homes at a density which warrants provision of public water and sewer facilities.

- 1.4 According to 17.36.010 of the SHMC, the C2 zoning district is intended to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in an area along or near U.S. Highway 20, east and west of downtown Sweet Home, which has been developed with commercial activities or which have the potential for such activities if sufficient vehicular access control is maintained.
- 1.5 According to Table 1 of the Sweet Home Comprehensive Plan, the purpose of the Highway Commercial land use designation is to provide an area suitable and desirable for retail and service firms, offices, financial institutions, and other uses appropriate in the intensively developed commercial center of the community.
- 1.6 For the following reasons, the applicant concludes that the subject property is poorly aligned with the intent and purpose of the R1 zoning district: 1) the site's frontage on a state highway is more desirable for a commercial enterprise as opposed to a single-family dwelling due to the high traffic volume and highway visibility; 2) there is no residential pattern of development adjoining this property, nor is the subject property located in a "residential neighborhood;" 3) the proposed zone map amendment will serve as a transitional or buffer zone between the highway and residentially zoned properties approximately 100 feet to the south.
- 1.7 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed C2 zoning designation is "consistent" with the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed in ***bold italic*** print.

***Statewide Planning Goal 1: Citizen Involvement***

***Goal: The opportunity for citizens to be involved with all phases of the planning process.***

***Sweet Home Citizen Involvement Policies 1- 7***

***Sweet Home Comprehensive Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.***

***Sweet Home Plan Policy 1: The City Council may amend the Comprehensive Plan after referral to the Planning Commission for review, revisions, and recommendations.***

***Sweet Home Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.***

- 1.8 In Type IV quasi-judicial proceedings conducted for zoning map amendments as proposed by the applicant, the SHMC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. Notice was mailed to surrounding property owners within 300 feet of the subject site and to affected government agencies. Notice of these public hearings were published in a newspaper of general circulation.

Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments. People who are notified of the public hearings are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the applications are based on the review criteria listed in the Development Code. The purpose of the public hearing is to provide the opportunity for people to express their opinion about the proposed changes. The planning commission and city council facilitate this process through their respective public hearings.

***Statewide Planning Goal 2: Land Use Planning***

***Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.***

***Sweet Home General Development Policy 1: Land allocation for the various uses (residential, commercial, and industrial) will be based on anticipated needs for development.***

***Sweet Home General Development Policy 2: The City of Sweet Home will encourage development contiguous to existing public services and transportation improvements. This type of development pattern shall be promoted as it will maintain public facility costs at the lowest possible level and provide the opportunity to coordinate development with the provision of services.***

***Comprehensive Plan Map Policy 1: The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by the 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.***

***Comprehensive Plan Map Policy 3: Where appropriate, the boundaries of land use designations as depicted on the map generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, the foot of slopes, and benches. In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply to the vacated street or alley.***

***Plan Amendment Policy 4: An amendment to the Comprehensive Plan shall be considered when one or more of the following conditions exist: a. Updated data demonstrates significantly different trends than previous data; b. New data reflects new or previously undisclosed public needs; c. New community attitude represents a significant departure from previous attitude as reflected by the Planning Commission or City Council; d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.***

***Plan Amendment Policy 5: 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 a. There is a need for the proposed change, b. The identified need can best be served by granting the change requested, c. The proposed change complies with the Statewide Planning Goals, and d. The proposed change complies with all other elements of the City's Comprehensive Plan.*

1.9 According to the Sweet Home Comprehensive Plan, "The Comprehensive Plan Map is a visual complement to the Comprehensive Plan Text. It shows the location of each Land Use Designation. In that sense, the map acts as a visual guide for citizens and policymakers that will help encourage sound development during the 20-year planning period." The subject site is designated as Highway Commercial on the Comprehensive Plan Map.

1.10 The Economy Element of the Comprehensive Plan has not been updated since it's adoption in 2001 and was based on data from the 1990's. Therefore, the demonstration of need is based on the 2017, Sweet Home Economic Opportunities Analysis (EOA) as opposed to the Economy Element of the Comprehensive Plan.

Exhibit 1 in the EOA shows unconstrained buildable land by plan designation. A total of 28 unconstrained buildable acres have been identified in EOA under the Highway Commercial Plan Designation. A surplus of 18 acres of commercial land was identified after applying employment land demand by plan designation. However, not all identified acres are development-ready when taking into consideration factors such as property owner interest in developing, access to streets and utilities, and cost of any necessary public improvements.

Adding a surplus of  $\pm 0.46$ -acres will have a marginal increase to the commercial land supply under the C2 zoning district. However, the subject property is development ready. Therefore, the marginal increase will help ensure there is an adequate supply of C2 zoned land that is ready and able to be developed in a wide range of commercial economic enterprises.

*Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources*

*Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.*

1.11 The subject property does not contain any known natural or historic resources. Therefore, these policies are not applicable.

*Statewide Planning Goal 9: Economic Development*

*Goal: To provide land suitable for economic growth.*

*Sweet Home Economic Development Policy 6: The Highway Commercial designation provides for uses that have large size requirements, or that are oriented to highway access.*

*Sweet Home Economic Development Policy 7: Sweet Home will require businesses in the Highway Commercial zone to have plans showing the design for vehicular traffic, and that address pedestrian and bicycle needs.*

- 1.12 The C2 zone allows for both commercial and residential land uses whereas the R1 zone is limited primarily to residential uses. Likewise, the C2 zone also permits a wider range of residential dwelling types than the R1 zone. Specifically, multi-family housing of three or more units is permitted outright in the C2 zone, whereas they are prohibited in the R1 zone. Additionally, two-family units are permitted outright in the C2 zone, whereas they are prohibited on interior lots in the R1 zone. Therefore, the proposed zone change from R1 to C2 provides greater flexibility in balancing the need for jobs and housing in Sweet Home.

*Statewide Planning Goal 10: Housing*

*Goal: To provide for the housing needs of citizens of the state*

*Residential Land Use Policy 1: Residential areas will offer a wide variety of housing types in locations best suited to each housing type.*

- 1.13 Although the C2 zoning district does not technically qualify as “residentially-zoned land,” residential uses are permitted in the zone, including single-family and multi-family units.

*Statewide Planning Goal 12: Transportation*

*Goal: To provide a safe, convenient, and economic transportation system.*

**Oregon Administrative Rule (OAR) 660-012-0060(1)**

**(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.**

**(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**

**(B) 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**

**(C) 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.**

- 1.14 The site is located on the south side of Highway 20 to the west of the 44<sup>th</sup> Avenue intersection.
- 1.15 The Transportation Planning Rule, OAR 660-012-0060(1), requires a local government to put in place certain mitigation measures if an amendment to a land use regulation (including a map amendment) would “significantly affect” an existing or planned transportation facility. OAR 660-012-0060(9) provides that the “local government may find that an amendment to zoning map does not significantly affect an existing or planned transportation facility” if all the requirements in subsections (a)-(c) are met.
- 1.16 OAR 660-012-0060(9)(a) requires that the proposed zoning map amendment be consistent with the existing comprehensive plan map designation, and the map amendment does not change the comprehensive plan map. As stated previously, a comprehensive plan map amendment is not proposed with this application.
- 1.17 OAR 660-012-0060(9)(b) requires that the local government has an acknowledged Transportation System Plan (TSP) and that the proposed zoning map amendment is consistent with the TSP. The Sweet Home 2005 TSP was acknowledged by DLCD, and the proposed zone change is consistent with the TSP and does not adversely affect TSP policies or projects.
- 1.18 OAR 660-012-0060(9)(c) requires that the area subject to the proposed zoning map amendment not be subject to an exemption from the TPR standards pursuant to a prior UGB amendment or TSP amendment to account for urbanization of the area. The subject site is within the Sweet Home UGB and city limits, so this criterion is not applicable.
- 1.19 Because the proposed zoning map amendment meets all the criteria of OAR 660-012-0060(9)(a)-(c), the proposed amendment does not “significantly affect” an existing or planned transportation facility under OAR 660-012-0060(1), and no mitigation measures under that rule are required. Therefore, the proposal complies with the Transportation Planning Rule, OAR 660-012-0060.

***Statewide Planning Goal 14: Urbanization***

***Goal: To provide for an orderly and efficient transition from rural to urban land use***

- 1.20 The subject property is vacant and fully served with City of Sweet Home water, sanitary sewer, storm drainage, and police and fire service. The property is located on an arterial street adjacent to employment and public services and in proximity to residential neighborhoods. Development of the property with residential, commercial, or mixed-use



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would enable Sweet Home residents to live and work in close proximity to nearby neighborhoods, public transit and activity centers.

**B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.**

2.1 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44<sup>th</sup> Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

2.2 The 0.46-acre site is currently unimproved. At urban densities, the site is large enough to be developed. City services including water, sanitary sewer, storm drainage, and streets are either available or could be improved to serve future development. Therefore, the proposed zone map amendment is timely and efficient. This criterion is met.

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

3.1 Sanitary Sewer: City utility maps show an 8-inch public sanitary sewer main in Santiam Highway/Highway 20. The City's Wastewater Collection System Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public sanitary sewer system. The existing public sanitary sewer facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.2 Water: City utility maps show a 12-inch public water main in Santiam Highway/Highway 20. The City's Water Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public water system. The existing public water facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.3 Storm Drainage: Santiam Highway (Highway 20) is an ODOT right-of-way under the jurisdiction of the State. Future development on the subject property, regardless of the zoning designation, is likely to require the construction of on-site stormwater detention facilities as well as stormwater quality facilities. The detention facilities are typically designed to restrict stormwater discharge from the site to predevelopment rates, which should mitigate potential impacts to the public storm drainage system in Pacific Boulevard. Because Santiam Highway/Highway 20 is a State highway and under the jurisdiction of ODOT, any future development on the subject property would be subject to ODOT requirements pertaining to stormwater discharge to the highway drainage system.

3.4 Public utilities (sanitary sewer, water, storm drainage) are adequate to serve potential development on the subject property under the proposed C2 zoning designation.

3.5 Any specific utility requirements for future development would be determined at the time of land use application for the development. Therefore, this criterion is met.

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

4.1 A comprehensive plan map amendment is not proposed with this application. Therefore, is review criterion is not applicable.

**IV. OVERALL CONCLUSION**

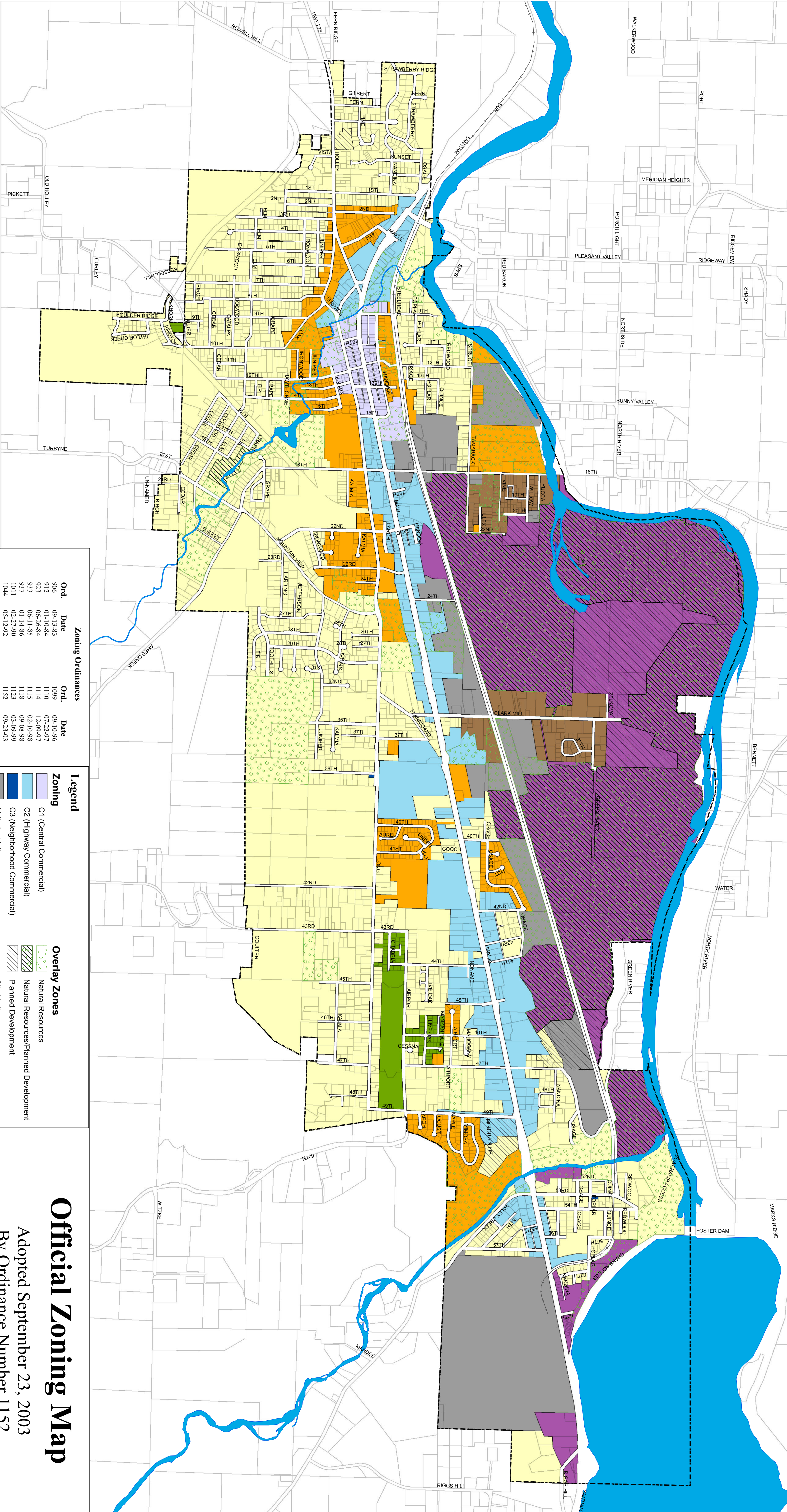
Based on the above analysis, the proposed zone map amendment meets all the applicable review criteria as outlined above.

**V. ATTACHMENTS**

- A. Site Map
- B. Sweet Home Zone Map
- C. Sweet Home Comprehensive Plan Map



# Sweet Home Zoning



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

Created By:  
City of Sweet Home  
Community Development

541-367-8113

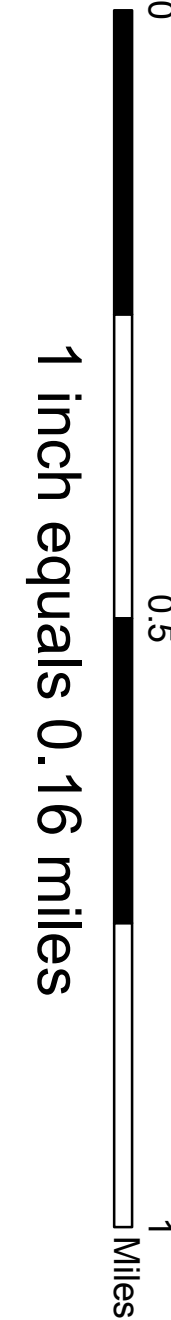
Zoning Ordinances		
Ord.	Date	Ord.
906	09-13-83	1099
912	01-10-84	1110
923	06-26-84	1114
933	06-11-85	1115
937	01-14-86	1118
1011	02-27-90	1123
1044	05-12-92	1152
1055	01-26-93	1162
1060	06-22-93	1169
1070	04-26-94	1178
1080	11-08-94	1181
1081	12-13-94	1192
1083	06-19-96	1193
1099	09-10-96	1200
1102	04-22-97	1206
1105	05-27-97	

Legend	
Zoning	
	C1 (Central Commercial)
	C2 (Highway Commercial)
	C3 (Neighborhood Commercial)
	M (Industrial)
	R1 (Low Density Residential)
	R2 (High Density Residential)
	R3 (Medium Density Residential)
	RC (Recreation Commercial)
	RMT (Residential Industrial Transition)

Overlay Zones	
	Natural Resources
	Natural Resources/Planned Development
	Planned Development
	City Limits
	Taxlots
	Lakes, Rivers, Streams
	Railway

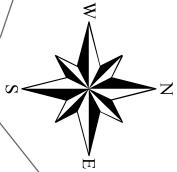
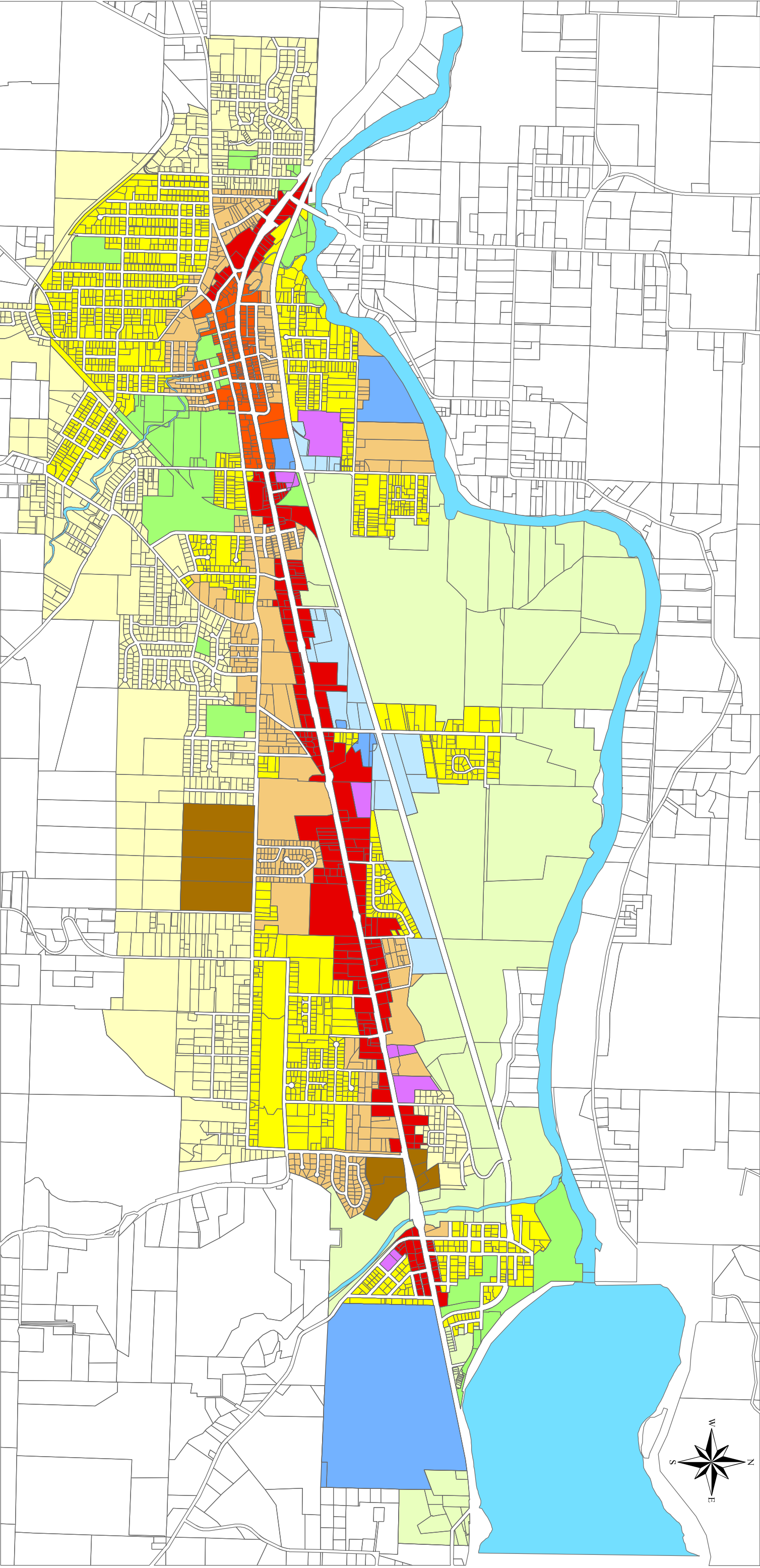
## Official Zoning Map

Adopted September 23, 2003  
By Ordinance Number 1152  
Updated by Later Zoning Ordinances





# Sweet Home Comprehensive Plan



## 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

## Legend

	Taxlots
	Lakes, Rivers, Streams
	Central Commercial
	General Industry
	Heavy Industrial
	High Density Residential
	Highway Commercial
	Light Industrial
	Low Density Residential
	Medium Density Residential
	Mixed Use Residential
	Planned Recreation Commercial
	Public

## Official Comprehensive Plan Map

Adopted September 23, 2003  
By Ordinance Number 1151  
Updated by Later Annexation Ordinances



1 inch equals 0.32 miles

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Created By:  
City of Sweet Home  
Community Development

Revised by SV 1/09/09

541-367-8113



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

**Application for an Amendment to the  
Comprehensive Plan or Zoning  
Maps or Text**

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

Date Received: 02.22.21  
Date Complete: 02.23.21  
File Number: ZMA21-01

Map/Text Amendment Application Fee \$: \$1,030.00

Zoning Application Fee \$: \$1,030.00

Receipt #: 4241

Planning Commission Hearing Date: 04.05.21

City Council Hearing Date: 04.27.21

**Applicant's Name:**

Laura LaRoque, Udell Engineering and Land Surveying, LLC

**Applicant's Address:**

63 E. Ash Street, Lebanon, OR 97355

**Applicant's Phone and e-mail:**

541-990-8861 / laura@udelleng.com

**Property Owner:**

Jeremy Kinzer

**Owner's Address:**

P.O. Box 986 Lebanon, OR 97355

**Owner's Phone and email:**

541-350-3009 / jeremykinzer@yahoo.com

**Comprehensive Plan Map or Zoning Map Amendment**

**Subject Property Address:**

4347 Hwy. 20, Sweet Home, OR 97386

**Subject Property Assessor's Map and Tax Lot:**

13S01E28DC02500

**Subject Property Size:**

0.46-acres

**Current Zoning Classification**

Low Density Residential (R1)

**Current Comprehensive Plan Classification:**

Highway Commercial

**Purpose of Request**

Zone Map Amendment to amend the zoning designation from the Low Density Residential zoning designation to the Highway Commercial (C2) zoning designation.

**Zoning or Comprehensive Plan Text Amendment**

Sections proposed to be changed:

Proposed language for change.

Attach proposed text to this form.

**Purpose of Request**

**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:

2-4-21

**Property Owner's Signature:**

Date:

2/4/21