



Community and Economic Development Department

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
www.sweethomeor.gov

Planning Commission Staff Report

REQUEST: The applicant is proposing to change the Zoning Map in an area consisting of 8.72 acres located at 4472 Highway 20, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Commercial Highway (C-2) Zone to the Residential High Density (R-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 make a decision on this application.

APPLICANT: Bill Lund

PROPERTY OWNER: Renewed Properties LLC

PROPERTY LOCATION: 4472 Highway 20, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 00200.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.12, 17.36, 17.28; OAR 660-012-0060

FILE NUMBER: ZMA20-01

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** May 4, 2020 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, Oregon 97386

CITY COUNCIL PUBLIC HEARING

- **DATE & TIME:** May 26, 2020 at 6:30 PM
- **LOCATION:** City Hall Council Chambers, 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: April 27, 2020

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject tract contains approximately 8.72 acres. The property is currently zoned Commercial Highway (C-2) and the comprehensive plan designation is Residential High Density (R-2). The applicant is requesting to change the zoning to Residential High Density (R-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	Commercial Highway (C-2)	Residential High Density
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Recreation Commercial (RC), Commercial Highway (C-2)	Planned Recreation Commercial, General Industry
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Industrial (M), Residential Low Density (R-1), Commercial Highway (C-2)	Residential High Density, Highway Commercial

Floodplain Based on a review of the FEMA FIRM Maps; Panel 41043C0916G and Panel 41043C0918G dated September 29, 2010, the subject property is not located in the 100-year floodplain.

Wetlands: The subject property does not contain wetlands that are inventoried on the Sweet Home Local Wetlands Inventory or the National Wetlands Inventory (NWI) Map.

Access: The subject property has frontage along the Santiam Highway (Highway 20). Highway 20 is identified as a Major Arterial. The subject property also has access from 44th Avenue identified as a Local Street.

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

TIMELINES AND HEARING NOTICE:

Application Submitted:	March 20, 2020
Application Deemed Complete:	March 27, 2020
Mailed/Emailed Notice:	April 4, 2020
Notice Published in New Era newspaper:	April 8, 2020
Planning Commission Public Hearing:	May 4, 2020
City Council Public Hearing:	May 26, 2020

Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

Trish Rice, Engineering
Technician:

Public Works has no issues with the request at this time.

Molly Laycock
Permit Technician:

The Building Program has no issues with this request for a zone change.

Joe Graybill, Staff Engineer
Community and Economic
Development Department:

Project & Location: The property is located to the North of Main St with two city street access points. One from the north end of 45th Ave is developed with pavement, curb and gutter, and sidewalks. The other access which is undeveloped is off the north end of 44th Avenue. This roadway only has grass and gravel, but would need to be developed to city standards upon access development.

Streets & Stormwater: The property is located to the North of Main St with two city street access points. One from the north end of 45th Ave is developed with pavement, curb and gutter, and sidewalks. The other access which is undeveloped is off the north end of 44th Avenue. This roadway only has grass and gravel, but would need to be developed to city standards upon access development. There is a creek channel running north from Main St through the property toward the adjacent lower elevation property. Any development will require stormwater quality and runoff flow controls.

Water & Sanitary: Domestic service lines are available in both 45th Ave and 44th Ave. The public water line in 45th Ave is a 6" line, the water line in 44th Ave is an 8" line. The public sewer system is 8" and runs along the south property line(s) in easements to the west at 44th Ave. There is no public sewer in 45th Ave with the closest on the south side of Main St. For any development on the east side of the 45th Ave drainage channel, the most cost-effective option would be to extend existing on-property lines.

Comments & Recommendations: Public services are available to this property. No comments or concerns at this time.

ODOT:

No comments from ODOT have been received as of the writing of this staff report.

Community:

No comments from the community have been received as of the writing of this staff report.

Fire Department:

No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION 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 longterm 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 effected.

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 a 8.72 acre property, identified on the Linn County Assessor's Map as 13S01E28D Tax Lot 200 (Attachment A). The applicant has proposed a change in zoning from Commercial Highway (C-2) to Residential High Density (R-2).

Based on the Linn County 2017 aerial photograph the area is surrounded by commercial businesses, apartment buildings, and bare land. The applicant states a desire to develop multi-family dwellings or similar 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 commercial businesses, apartment buildings, and bare land.

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 Highway 20 and 44th Avenue. The subject property has frontage along Highway 20 and 44th Avenue. Based on the applicant's statements the subject property is anticipated to be developed with multi-family dwellings in the future. Staff finds that utilities and services are efficiently provided to serve the proposed use of multi-family dwellings 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.

The application complies with this criterion.

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 Santiam Highway (Highway 20), and 44th Avenue. Highway 20 is identified as a Major Arterial and 44th 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 Commercial Highway (C-2) to the Residential High Density (R-2) zone. No comments from ODOT have been received as of the writing of this staff report. 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 proposed zone change does not significantly affect a transportation facility for the purposes of the Transportation Planning Rule (TPR) and therefore complies with the TPR.

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 taking action 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 make a decision on this application.

Motion:

After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

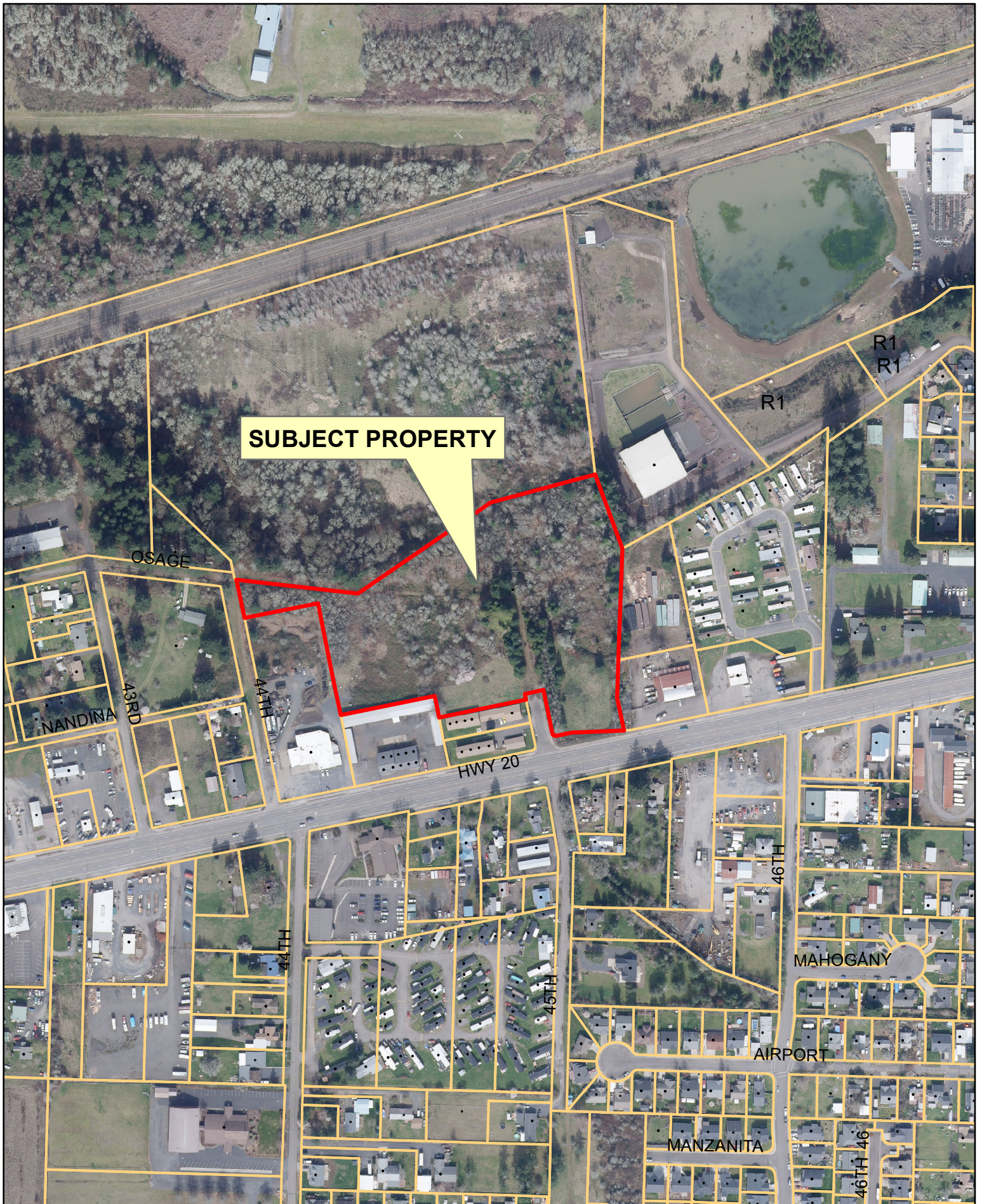
1. Move to recommend that the City Council approve application ZMA 20-01; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 20-01 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Map

- C. Zoning Map
- D. Comprehensive Plan Map
- E. Planning Application Form

ATTACHMENT A



1 inch = 318 feet

Subject Property Map
ZMA20-01
13S01E28D 00200

Date: 8/7/2018

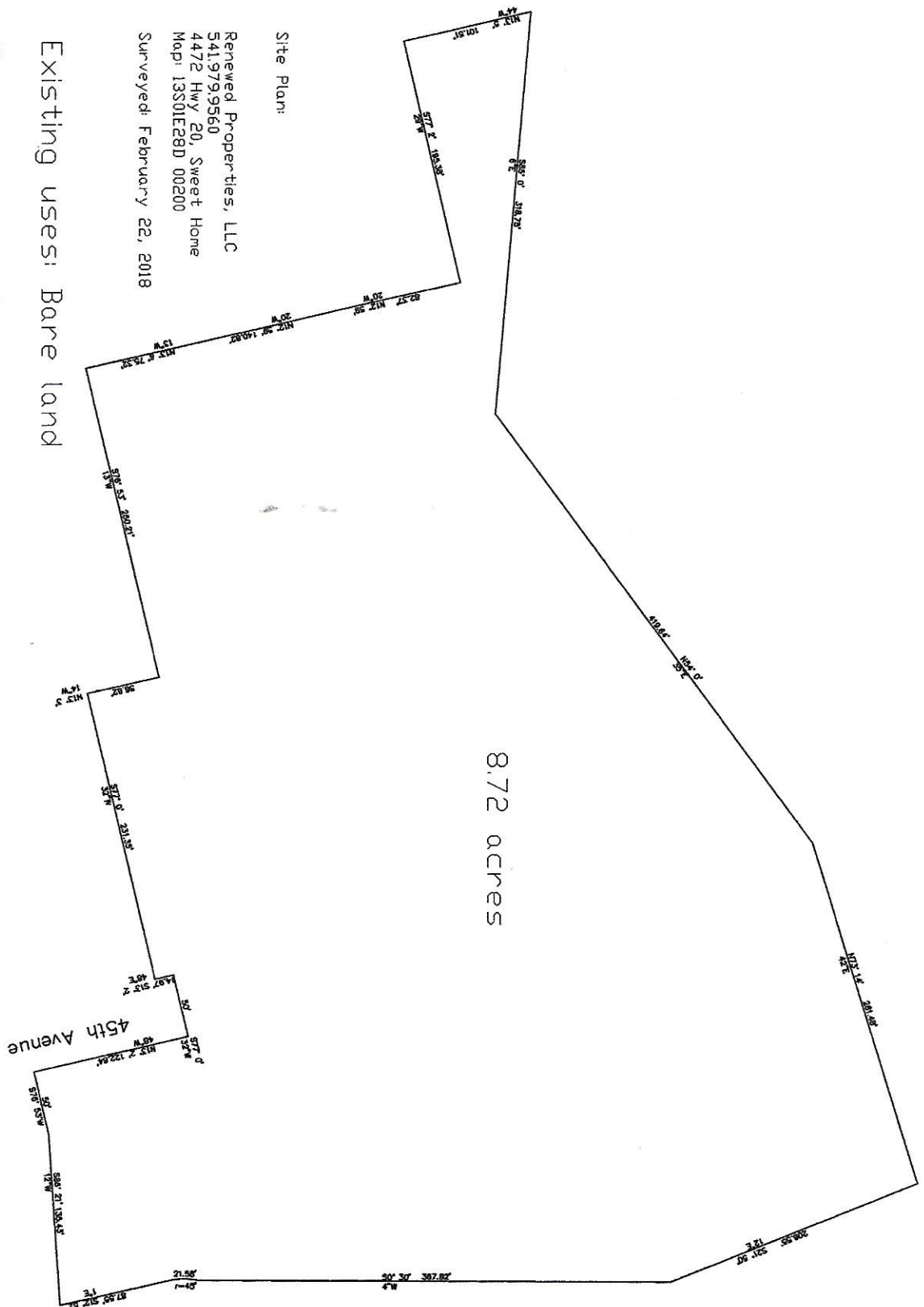
$$Z \rightarrow \Delta$$

Renewed Properties, LLC
541.979.9560
4472 Hwy 20, Sweet Home
Map: 13S01E28D 00200
Surveyed: February 22, 2018

Surveyed: February 22, 2018

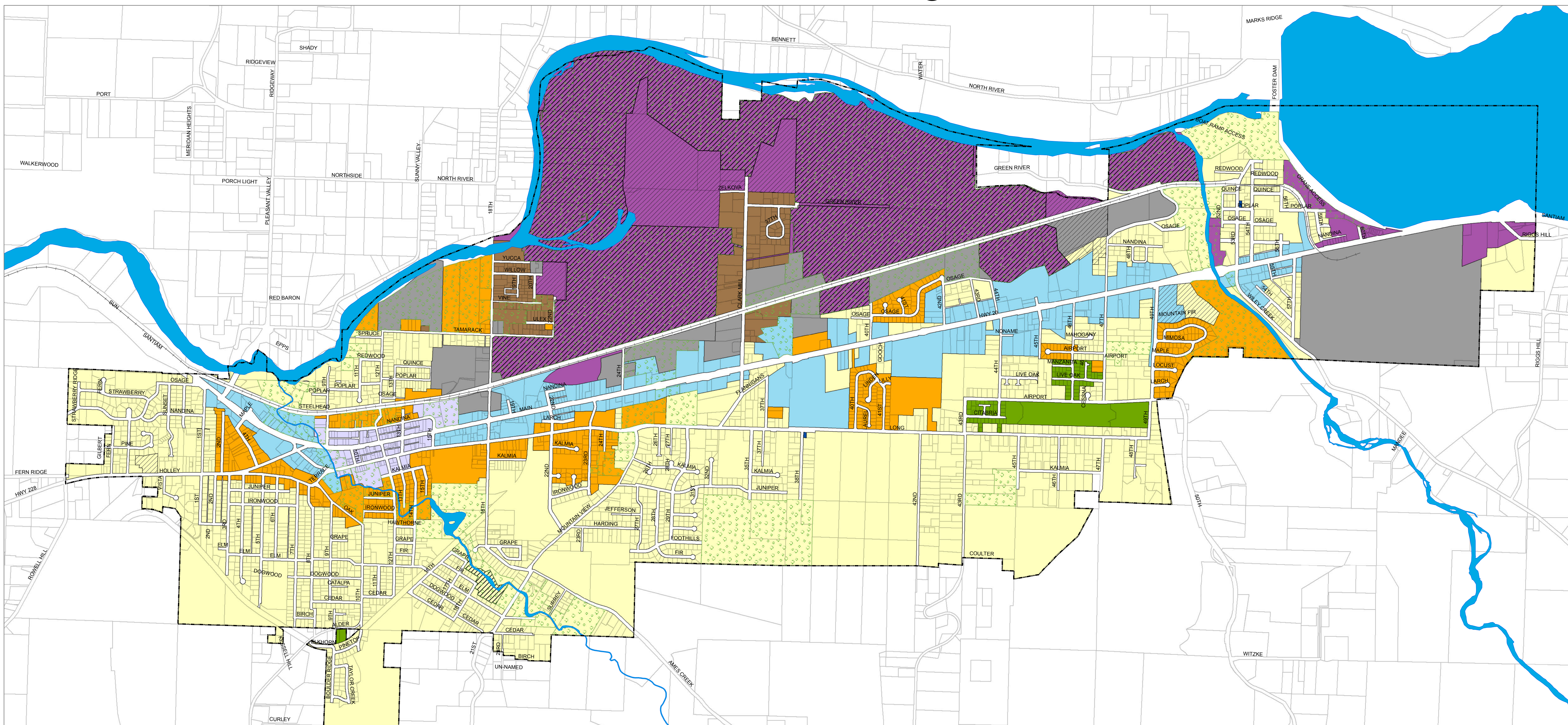
Future uses: Mixed use residential homes

8.72 acres



Sweet Home Zoning

ATTACHMENT C



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.

Created By:
City of Sweet Home
Community Development

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541-367-8113

Zoning Ordinances			
Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1070	04-26-94	1181	03-14-06
1080	11-08-94	1192	07-24-07
1081	12-13-94	1193	09-11-07
1083	06-19-96	1197	12-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
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

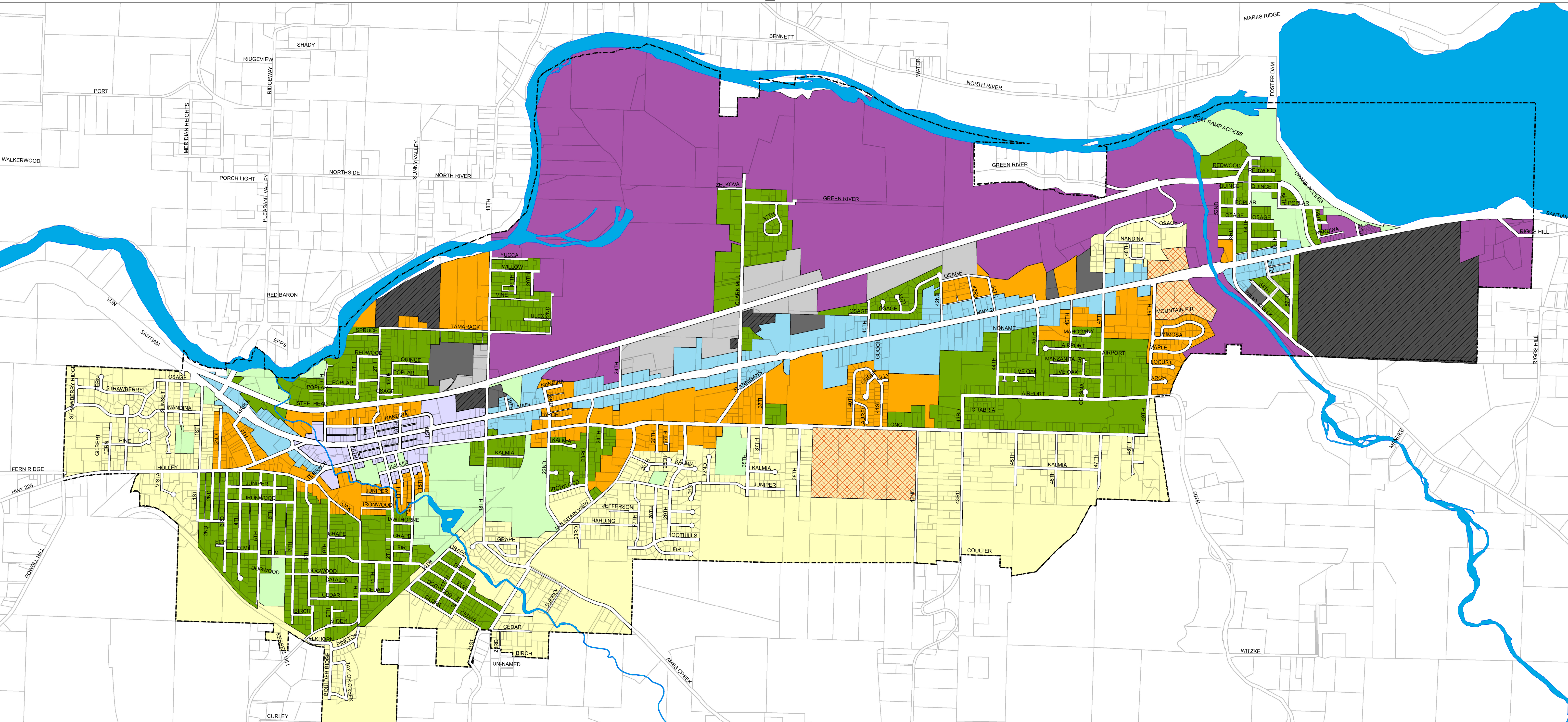
Adopted September 23, 2003
By Ordinance Number 1152
Updated by Later Zoning Ordinances

0 0.5 1 Miles

1 inch equals 0.16 miles

Sweet Home Comprehensive Plan

ATTACHMENT D



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Created By:
City of Sweet Home
Community Development

Reproduced by PR 9/12/14 from original by SV 01/09/09

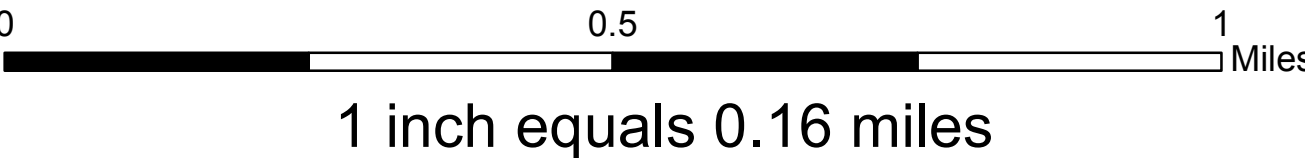
541-367-8113

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

Official Comprehensive Plan Map

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



MARCH 27TH

ATTACHMENT E



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.ci.sweet-home.or.us

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: _____
Date Complete: _____
File Number: _____
Map/Text Amendment Application Fee \$: _____
Zoning Application Fee \$: 1030.00
Receipt #: _____
Planning Commission Hearing Date: _____

City Council Hearing Date: _____

Applicant's Name:

BILL LUND

Applicant's Address:

37627 MT. HOPE DR

Applicant's Phone and e-mail:

541-979-9560 WLUND-ALBANY@YAHOO.COM

Property Owner:

RENEWED PROPERTIES LLC

Owner's Address:

SAME

Owner's Phone and email:

SAME

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:

4472 Hwy 20

Subject Property Assessor's Map and Tax Lot:

135 015 28D 00200

Subject Property Size:

8.72

Current Zoning Classification

HIGHWAY COMMERCIAL

Current Comprehensive Plan Classification:

R2

Purpose of Request

TO BUILD MULTI FAMILY HOMES OR SIMILAR

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:

[Signature]

Date:

3/20/2020

Property Owner's Signature:

[Signature]

Date:

Narrative

4472 Hwy 20, Sweet Home Zone change to R-2

§ 17.28.010 PURPOSE.

The purpose of the R-2

zone is to provide areas suitable and desirable for highdensity residential development, and particularly for apartme
nts, but where other types of residential and related public service uses are appropriate. The

R-2 zone is most appropriate in areas which have been developed for high-

density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-
related commercial areas inside the city.

SHMC 17.12.025 REVIEW CRITERIA FOR MAP AMENDMENTS.

An amendment to the official zoning or comp plan map maybe authorized provided that the proposal satisfied all
relevant requirements of this title and also provide that the applicant demonstrates the following:

- A. This zone change we are proposing is/will be consistent with the goals and policies of the comp plan.
- B. This development will be timely and orderly with a structured time line considered and is consistent and follows
the pattern of surrounding residential uses.
- C. All utilities, water and sewer are right up to the property at 45th st. and up to the property on the connecting 44th
st. and we have checked with city engineering to make sure ALL the utilities are available.
- D. This zone change is MORE than consistent with Oregon's statewide planning goals as

The narrative for this zone change is the need for more residential housing in Sweet
Home. Currently there is a large amount of unused Highway commercial land and not enough
residential land.

We propose the zone change so that Sweet Home will have enough land to build more than
needed residential homes. This zone change could add minimum 60 homes and up to 120 high
density homes to this lot. This lot currently zoned will not meet the goals of the state to create
very needed residential homes.

We are grateful to already have provided housing up at Lake Pointe and will also be grateful to
continue providing more residential housing for Sweet Home.

Renewed Properties, LLC

$$Z \rightarrow \Delta$$

Site Plan:

Renewed Properties, LLC
541.979.9560
4472 Hwy 20, Sweet Home
Mop: 13501E28D 00200
Surveyed: February 22, 2018

Existing uses: Bare land

Future uses: Mixed use residential homes

