



# CITY OF SWEET HOME CITY COUNCIL AGENDA

June 13, 2023, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

## Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

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## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 321 716 901#

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon Public Meeting Law, and have been approved by the Mayor and Chairperson of the meeting.

### I. Call to Order and Pledge of Allegiance

### II. Roll Call

### IV. Recognition of Visitors and Hearing of Petitions:

### V. New Business:

- a) [Resolution No. 14 for 2023: Parking Prohibited on 24<sup>th</sup> Avenue](#)

### VI. Ordinance Bills

- a) Request for Council Action and First Reading of Ordinance Bills
- b) Second Reading of Ordinance Bills
- c) Third Reading of Ordinance Bills (Roll Call Vote Required)
  - i) [Ordinance Bill No. 11 for 2023 - Ordinance No. 1317 - Sweet Home Ordinance Vacating the Public Right-of-Way Identified as the Portion of Redwood Street Directly West of 53rd Avenue in the City of Sweet Home, Linn County Oregon.](#)
  - ii) [Ordinance Bill No. 12 for 2023 - Ordinance No. 1318 - An Ordinance Amending the Comprehensive Plan Map](#)
  - iii) [Ordinance Bill No. 13 for 2023 - Ordinance No. 1319 - An Ordinance Amending the Zoning Map](#)
  - iv) [Ordinance No. 15 for 2023 - Ordinance No. 1320 - Sweet Home Ordinance Amending SHMC Section 1.01.010 Pertaining to Code Complifiers and SHMC Section 12.04.010 \(c\) Pertaining to Development Improvements.](#)

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*The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.*

**XI. Council Business for Good of the Order**

**XII Adjournment**



# REQUEST FOR COUNCIL ACTION

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**Title:** Resolution No. 14 for 2023: Parking Prohibited on 24<sup>th</sup> Avenue

**Preferred Agenda:** June 13, 2023

**Submitted By:** Blair Larsen, Community & Economic Development Director

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution  Motion  Roll Call  Other

**Relevant Code/Policy:** N/A

**Towards Council Goal:** N/A

**Attachments:** Resolution No. 14 for 2023: A Resolution Prohibiting Parking on 24<sup>th</sup> Avenue

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**Purpose of this RCA:**

The purpose of this RCA is to present a draft resolution prohibiting parking on 24<sup>th</sup> Avenue north of Main Street.

**Background/Context:**

24<sup>th</sup> Avenue north of main street is a relatively small (40 feet wide) roadway that is only one block long. The City's Public Works Maintenance Yard is accessed off of this street, and is used by City crews and equipment. In addition, Sweet Home Transportation's busses use this street to access their refueling station in the City's maintenance yard.

Earlier this year, Family Assistance and Resource Center Group (FAC) opened their facility immediately to the west of the City's maintenance yard, which is accessed via an easement that connects to 24<sup>th</sup> Avenue.

Linn County Parks and Recreation Department is planning and has obtained funding to build a recreational vehicle sanitary dump and water fill station next to FAC's facility, which will add more large vehicles to 24<sup>th</sup> Avenue.

All of these uses have and will contribute to an increase in traffic on 24<sup>th</sup> Avenue consisting of large vehicles and trailers, which often have need of more maneuvering space than regular passenger vehicles.

None of the businesses or properties that use this stretch of 24<sup>th</sup> Avenue have any need for on-street parking. All of them have their own parking lots, which are sufficient for their needs.

In order to address these concerns, as well as an increase in illegal RV and car camping in this area, City Staff recommend prohibiting parking on 24<sup>th</sup> Avenue between Main Street and the Albany & Eastern Railroad (which is the current end of the street).

**The Challenge/Problem:**

How does the City regulate parking in high-traffic areas with relatively narrow roadways?

**Stakeholders:**

- Sweet Home Residents – Residents rely on the City Council and City Staff to manage on street parking so that it is safe and does not impede vehicular traffic.
- Sweet Home City Council – The City Council is responsible for the City’s parking policies and must balance the needs of properties and people in need of parking, with the need for safe roadways. The Council is also empowered under the City Code to establish parking controls.
- Neighboring Property Owners and Businesses – Property owners and businesses deserve safe vehicular access to their properties.

**Issues and Financial Impacts:**

The only costs associated with this resolution are signage, paint, and staff time, the cost of which are minimal in this situation, and are included in the current budget.

**Elements of a Stable Solution:**

A stable solution includes a decision that complies with City Code and meets the needs of the users of the roadway.

**Options:**

1. Do Nothing – Make no change to parking rules on 24<sup>th</sup> Avenue.
2. Pass Resolution No. 14 for 2023 – After the resolution is passed, Staff will be empowered to enforce the parking prohibition.

**Recommendation:**

Staff recommends option 2: Pass Resolution No. 14 for 2023

**RESOLUTION NO. 14 FOR 2023**

**A RESOLUTION PROHIBITING PARKING ON 24<sup>th</sup> AVENUE NORTH OF MAIN STREET**

WHEREAS, the portion of 24<sup>th</sup> Avenue north of Main Street experiences significant traffic to the City's Public Works facility; and

WHEREAS, the planned development of a recreational vehicle sanitary dump station will bring significant traffic of large vehicles to the area; and

WHEREAS, Sweet Home Municipal Code 10.04.030 provides that the City Council may, by resolution, establish or alter traffic and parking control;

NOW, THEREFORE, the City of Sweet Home does resolve as follows:

Signage shall be installed and curbs painted to indicate parking is prohibited on 24<sup>th</sup> Avenue north of Main Street and shall be in full force and effect upon completion.

This resolution shall become effective immediately upon passage by the City Council and signature of the Mayor.

PASSED by the Council and approved by the Mayor, this 13<sup>th</sup> day of June, 2023.

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Mayor

ATTEST:

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City Manager – Ex Officio City Recorder



# REQUEST FOR COUNCIL ACTION

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**Title:** Redwood Street Vacation of Right-of-Way VC22-01

**Preferred Agenda:** June 13, 2023

**Submitted By:** Angela Clegg, Associate Planner

**Reviewed By:** Blair Larsen, CEDD Director  
Kelcey Young, City Manager

**Type of Action:** Resolution \_\_\_\_ Motion X Roll Call \_\_\_\_ Other \_\_\_\_

**Relevant Code/Policy:** ORS 271.110 and ORS 271.120

**Towards Council Goal:** N/A

**Attachments:** Ordinance Bill No. 11 for 2023, Ordinance No. 1317

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**Purpose of this RCA:**

The purpose of this RCA is to hold the third reading regarding the vacation of the Redwood Street right-of-way and approve the vacation of right-of-way.

**Background/Context:**

This vacation of right-of-way, VC22-01, is an unimproved, dead-end portion of Redwood Street, approximately 500 feet long, located north of Highway 20 and west of 53<sup>rd</sup> Avenue. It contains no public infrastructure, pavement, curbing, storm drainage, or any other component of a typical right-of-way. The properties abutting this portion of Redwood Street currently use a private access easement off 53<sup>rd</sup> Avenue. This portion of Redwood Street would be extremely expensive to develop due to topographical constraints—there is a severe 15-30-foot difference in grade on the west side of 53<sup>rd</sup> Avenue that would necessitate a large amount of fill and retaining walls, making development of the street cost prohibitive.

The following is a timeline of meetings associated with this project:

- December 28, 2022 – January 4, 2023: Notice Published in the New Era
- January 19, 2023: The Planning Commission held a public hearing on the proposed vacation of right-of-way. The Planning Commission moved to recommend approval of the Redwood Street vacation of right-of-way.
- May 23, 2023: The City Council held a public meeting on the proposed vacation of right-of-way. The City Council approved the vacation of right-of way and conducted the first and second readings.

At the June 13, 2023 Council Meeting, the City Council will conduct the third reading.

**The Challenge/Problem:**

Should the City vacate Redwood Street?

**Stakeholders:**

- City of Sweet Home Residents – The proposed vacation will allow for affordable development of the remainder of the vacant lots and add additional square footage to the abutting parcels.
- Owners of Properties adjacent to this portion of Redwood Avenue – Adjacent property owners have a right to access their properties, as well as have property returned to them if it is not needed for a public right-of-way.

**Issues and Financial Impacts:**

This change will have no financial impact on the City.

**Elements of a Stable Solution:**

A stable solution involves either properly managing public rights-of-way to provide transportation and utility access for the public, or returning the property to the adjacent property owners.

**Options:**

1. Approve application VC22-01 and adopt Ordinance Bill No. 11 for 2023, Ordinance No. 1317.
2. Deny application VC22-01 and direct staff and the Planning Commission to make revisions (specify).
3. Continue the public hearing to a later date to allow more time for the Council to examine the proposed changes or to provide staff time to prepare amendments or additional information (specify).
4. Take no action; leave the code as is.
5. Other

**Recommendation:**

Staff recommends option 1: Approve application VC22-01 and adopt Ordinance No. 11 for 2023, Ordinance No. 1317.

**ORDINANCE BILL NO. 11 FOR 2023**

**ORDINANCE NO. 1317**

**SWEET HOME ORDINANCE VACATING THE PUBLIC RIGHT-OF-WAY IDENTIFIED AS THE PORTION OF REDWOOD STREET DIRECTLY WEST OF 53<sup>RD</sup> AVENUE IN THE CITY OF SWEET HOME, LINN COUNTY OREGON.**

WHEREAS, Neighboring property owners petitioned for the vacation of the portion of Redwood Street directly west of 53<sup>rd</sup> Avenue, as provided for in ORS Chapter 271; and,

WHEREAS, Upon receiving the petition on December 13, 2022, the Sweet Home City Council referred the matter to the Sweet Home Planning Commission; and,

WHEREAS, the Planning Commission held a public hearing on the matter on January 19, 2023, during which proponents and opponents were given an opportunity to enter testimony, after which the Planning Commission voted to recommend vacation of said right-of-way; and,

WHEREAS, the City Council has found that no substantial affect to the market value of the abutting property has been identified and there appears to be no reason why the petition should not be allowed in whole or in part, therefore a formal hearing shall be held upon the petition; and,

WHEREAS, the City Council held a public hearing on May 23, 2023, reviewed the testimony presented at the public hearing and the findings in the staff report and deliberated the vacation and found that the public interest will not be prejudiced by the vacation.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. That the public right-of-way in the City of Sweet Home, Linn County Oregon, is vacated as depicted on the map shown on Exhibit A and described as follows:

A TRACT OF LAND IN THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 27, TOWNSHIP 13 SOUTH, RANGE 1 EAST, OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT A OF PARTITION PLAT 1994-58, SAID TRACT BEING ENTIRELY COMPRISED OF THE FOLLOWING PARTS:

PART 1:

THE NORTH 20 FEET OF TRACT A OF PARTITION PLAT 1994-58 LYING BETWEEN THE WEST LINE OF 53RD AVENUE AND THE SOUTH PROJECTION OF THE COMMON LINE BETWEEN PARCEL 1 AND PARCEL 2 OF PARTITION PLAT 2022-50.

PART 2:

THE NORTH 20 FEET OF TRACT A OF PARTITION PLAT 1994-58 LYING BETWEEN THE SOUTH PROJECTION OF THE COMMON LINE BETWEEN



PARCEL 1 AND PARCEL 2 OF PARTITION PLAT 2022-50 AND THE SOUTH PROJECTION OF THE COMMON LINE BETWEEN SAID PARCEL 1 OF PARTITION PLAT 2022-50 AND PARCEL 1 OF PARTITION PLAT 2022-49.

PART 3:

THE NORTH 20 FEET OF TRACT A OF PARTITION PLAT 1994-58 LYING BETWEEN THE SOUTH PROJECTION OF THE COMMON LINE BETWEEN PARCEL 1 OF PARTITION PLAT 2022-50 AND PARCEL 1 OF PARTITION PLAT 2022-49 AND THE WEST LINE OF SAID TRACT A OF PARTITION PLAT 1994-58.

PART 4:

THE SOUTH 20 FEET OF TRACT A OF PARTITION PLAT 1994-58 LYING BETWEEN THE WEST LINE OF SAID TRACT A OF PARTITION PLAT 1994-58 AND THE NORTH PROJECTION OF THE COMMON LINE BETWEEN PARCEL 2 OF PARTITION PLAT 2022-49 AND PARCEL 2 OF PARTITION PLAT 2022-01.

PART 5:

THE SOUTH 20 FEET OF TRACT A OF PARTITION PLAT 1994-58 LYING BETWEEN THE NORTH PROJECTION OF THE COMMON LINE BETWEEN PARCEL 2 OF PARTITION PLAT 2022-49 AND PARCEL 2 OF PARTITION PLAT 2022-01 AND THE WEST LINE OF 53RD AVENUE.

Section 2. The City Recorder shall, within 30 days of the effective date of this ordinance, file a certified copy of this ordinance with the Linn County Clerk, Linn County Assessor, and Linn County Surveyor, as required by ORS 271.150.

PASSED by the Council and approved by the Mayor this 13th day of June, 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder

# Exhibit A

**AREA C**  
PARCEL 1 PP 2022-49  
EXISTING AREA: 131,938 SQ FT (3.03 AC)  
PROPOSED AREA: 133,939 SQ FT (3.08 AC)

**AREA B**  
PARCEL 1 PP 2022-50  
EXISTING AREA: 39,290 SQ FT  
PROPOSED AREA: 43,981 SQ FT

**AREA A**  
PARCEL 2 PP 2022-50  
EXISTING AREA: 47,353 SQ FT (1.09 AC)  
PROPOSED AREA: 50,430 SQ FT (1.16 AC)

APPROXIMATE  
CENTERLINE  
OF WILEY CREEK

P. 3 REDWOOD AVENUE P. 2  
P. 4 TO BE VACATED P. 5

**AREA E**  
PARCEL 2 PP 2022-01  
EXISTING AREA: 26,506 SQ FT  
PROPOSED AREA: 34,356 SQ FT

**AREA F**  
TO BE VACATED  
REDWOOD AVENUE  
TRACT 1 PP 1994-58  
EXISTING AREA: 19,618 SQ FT  
PROPOSED AREA: 0 SQ FT

**AREA D**  
PARCEL 2 PP 2022-49  
EXISTING AREA: 18,450 SQ FT  
PROPOSED AREA: 20,450 SQ FT

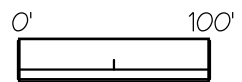
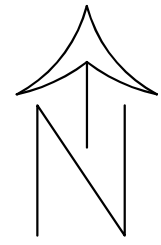
20' WIDE ACCESS  
EASEMENT  
PER MF VOLUME 136  
PAGE 705

53RD STREET

COUNTY ROAD 35

60'

40'

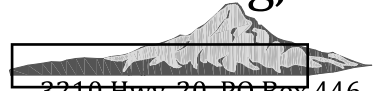


REDWOOD AVENUE  
VACATION OF RIGHT OF WAY  
FILE NO. VC22-01

SE 1/4 NW 1/4, SECTION 27  
T. 13 S., R. 1 E., WILLAMETTE MERIDIAN  
LINN COUNTY, OREGON

DRAWN BY: ROB KEENE, LSI 92707  
MARCH 14, 2023

**Cascade Timber  
Consulting, Inc.**



3210 Hwy. 20, PO Box 446  
Sweet Home, OR 97386  
Phone: (541) 367-2111



# REQUEST FOR COUNCIL ACTION

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**Title:** Ordinance Bill No. 12 for 2023, Ordinance No. 1318

**Preferred Agenda:** June 13, 2023

**Submitted By:** Angela Clegg, Associate Planner

**Reviewed By:** B. Larsen, CEDD Director  
K. Young, City Manager

**Type of Action:** Resolution \_\_\_ Motion X Roll Call \_\_\_ Other X

**Relevant Code/Policy:** SHMC 2.04.030 Powers of the City Council

**Towards Council Goal:** Vision Statement, Aspiration I: Desirable Community, Mission Statement

**Attachments:** Ordinance No. 12 for 2023, Ordinance No. 1318

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**Purpose of this RCA:**

The purpose of this RCA is to conduct a third reading of Comprehensive Plan Map Amendment Ordinance Bill No. 12 for 2023, Ordinance No. 1318.

**Background/Context:**

The City of Sweet Home, Sweet Home School District, and Sweet Home Fire District are proposing to change the Comprehensive Plan Map for their properties, consisting of approximately 280 acres, located in Sweet Home, OR 97386 (see the attached map). The Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application do not have a Public Facility (PF) Comprehensive Plan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The Sweet Home Planning Commission held a public hearing on May 4, 2023 to review application CMA23-01 and receive testimony. At that meeting, the Planning Commission approved the application and recommended that the City Council approve it.

On May 23, 2023 the City Council held a Public Hearing regarding the application and completed the first and second readings of the ordinance for Comprehensive Plan Map Amendment Application CMA23-01.

On June 13, 2023 the City Council will complete the third reading and adopt Ordinance Bill No. 12 for 2023, Ordinance No. 1318.

**The Challenge/Problem:**

Should the comprehensive plan map be changed to allow the Public Facility designation of the properties?

Should the Comprehensive Plan designations be followed if the proposed amendment is consistent with the goals and policies of the comprehensive plan?

**Stakeholders:**

- The Owners would be bringing their properties into conformance with the historic uses and they would be able to develop their properties without the need of conditional use applications saving time and money.
- The City of Sweet Home would be bringing their properties into conformance with the historic use of their properties and would be able to develop their properties without a conditional use application.

**Issues and Financial Impacts:**

There are no issues or financial impacts currently identified.

**Elements of a Stable Solution:**

A stable solution is one in which a decision on the application is made that conforms with City Code and State Law.

The Sweet Home Comprehensive Plan guides official policy decisions about development within the area. The Plan aims to organize and coordinate complex interrelationships between people, land, resources, and facilities to meet the future needs of the citizens and to protect the livability of the community. The Plan also reflects the public’s goals and aspirations for Sweet Home about the best way to handle development and conservation in the City. The officially acknowledged Comprehensive Plan gives policy direction for land use decisions and coordinates private and public development. [Chapter 1, Page 1 of the Comprehensive Plan].

The Sweet Home Municipal Code provides criteria for map amendments such as this:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- 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;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and
- D. The proposed amendment to the comprehensive plan map is consistent with Oregon’s statewide planning goals

**Options:**

1. Deny Application CMA23-01. Staff would prepare an Order of Denial for Application CMA23-01.
2. Approve Application CMA23-01 as presented and adopt Ordinance No. 12 for 2023, Ordinance 1318.
3. Recommend a different comprehensive plan map amendment. Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Planning Commission and Council meeting.

**Recommendation:** Staff Recommends Option 2: Approve Application CMA23-01 as presented and adopt Ordinance No. 12 for 2023, Ordinance 1318.

ORDINANCE BILL NO. 12 FOR 2023

ORDINANCE NO. 1318

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP

WHEREAS, the applicants, the City of Sweet Home, Sweet Home School District, and Sweet Home Fire District, are proposing to change the Comprehensive Plan Map for their properties, consisting of approximately 280 acres, located in Sweet Home, OR 97386; and

WHEREAS, the Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone; and

WHEREAS, the subject properties listed in the application do not have a Public Facility (PF) Comprehensive Plan designation; and

WHEREAS, a Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment; and

WHEREAS, on October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on May 4, 2023 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 May 4, 2023, meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on May 23, 2023, 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 May 23, 2023, meeting; and

WHEREAS, the proposed Public Facility (PF) 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 comprehensive plan map amendment application CMA23-01 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Comprehensive Plan Map, identified in SHMC 17.06.020 as the City Comprehensive Plan Map including all subsequent amendments, for the areas consisting of approximately 280 acres located in Sweet Home, OR 97386 included as Exhibit B. The Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone.

Passed by the Council and approved by the Mayor this 13th day of June 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application CMA23-01

**Exhibit A to Order of Approval for CMA23-01**

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. Amendments to the Comprehensive Plan map shall be reviewed in accordance with the Type IV review procedures specified in Chapter 17.128. [SHMC 17.112.020]**

Staff Findings: The application for the Comprehensive Plan Map Amendment was reviewed in accordance with SHMC 17.128.010 (B).

Based on the above information, staff find that the application complies with this criterion.

**B. An application for a map amendment shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.128. [SHMC 17.112.030]**

Staff Findings: The application was received and deemed completed on March 17, 2023. Notices were sent per SHMC 17.128.010(D)(1-7). Notices were emailed and mailed via US Postal Service on March 21, 2023. Notice was posted in the New Era newspaper on March 29, 2023.

Based on the above information, staff find that the application complies with this criterion.

**C. The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. A site plan shall not be required to initiate a Comprehensive Plan map amendment. [SHMC 17.112.040]**

Staff Findings: the applicant submitted the application, a narrative, a site plan, and list of affected properties on March 17, 2023.

Based on the above information, staff find that the application complies with this criterion.

**D. All information and analysis must justify the proposed change relative to the Map designation to which the property is proposed to change, and to the Map designation from which the property is changing. The analysis must address the impacts from decreasing acreage of one map designation and increasing acreage for the proposed map designation [SHMC 17.112.050(A)].**

Staff Findings: The Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application do not have a Public Facility (PF) Comprehensive Plan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The historic land use of the subject properties has been a public use. With the adoption of the Public Facility (PF) zone, the applicants are proposing to bring the zoning in conformance with the historic and continued use of each property.

Based on the above information, staff find that the application complies with this criterion.

**E. Compliance is demonstrated with the Statewide Land Use Planning Goals and Guidelines and any relevant Administrative Rules applying to the subject properties or to the proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the Land Conservation and Development Commission (LCDC) Administrative Rules for the type of exception needed shall also apply [SHMC 17.112.050(B)].**

Staff Findings: The application complies with Statewide Planning Goals 2 Land Use Planning and 11 Public Facilities and Services. The proposed designation does not require an exception to the goals.

Based on the above information, staff find that the application complies with this criterion.

**F. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated [SHMC 17.112.050(C)].**

Staff Findings: Table 1 of the Summary of Comprehensive Plan Land Use Designations lists Public as a land use designation, however there was never municipal code written for the Public land use designation. SHMC Chapter 17.25 Public Facility (PF) Zone criteria were implemented on October 27, 2023. The update to the Public Facility zone will bring the subject properties into compliance with the Comprehensive Plan designation.

Based on the above information, staff find that the application complies with this criterion.

**G. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan [SHMC 17.112.050(D)].**

Staff Findings: The use of the subject properties has been historically public. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**H. The Plan provides more than the projected need for lands in the existing land use designation [SHMC 17.112.050(E)].**

Staff Findings: The use of the subject properties is not changing. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B. The plan brings the zoning designation into conformance with the historic use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.



- I. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands [SHMC 17.112.050(F)].**

Staff Findings: The use of the subject properties is not changing. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B.

Based on the above information, staff find that the application complies with this criterion.

- J. Public facilities and services, including transportation facilities, necessary to support uses allowed in the proposed designation are available, or, will be available in the near future [SHMC 17.112.050(G)].**

Staff Findings: The use of the subject properties is not changing.



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

In the matter of the ) Comp Plan Map Amendment  
 Comp Plan Map Amendment ) File No. CMA23-01  
 request by City of Sweet Home, SHSD, SDFD )

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

**PLANNING COMMISSION ORDER OF APPROVAL**

**REQUEST:** The City of Sweet Home, Sweet Home School District, and Sweet Home Fire District are proposing to change the Comprehensive Plan Map for their properties, consisting of approximately 280 acres, located in Sweet Home, OR 97386 (see the attached map). The Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application do not have a Public Facility (PF) Comprehensive Plan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone. 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 CMA23-01 is being filed simultaneously with Application ZMA23-02. The subject properties that do not have a Comprehensive Plan Designation of Public Facility (PF) will be pending the approval of Application of CMA23-01 to complete the Zone Map Amendment proposed in Application ZMA23-02.

**APPLICANT:** The City of Sweet Home

**PROPERTY OWNER:** City of Sweet Home, Sweet Home School District, Sweet Home Fire District

**FILE NUMBER:** CMA23-01

**PROPERTY LOCATION:** Various Tax Lots, Sweet Home, OR 97386 (see Attachments A and B)

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.24, 17.112, OAR 660-012-0060

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on May 4, 2023. At the hearing the Planning Commission reviewed application CMA23-01. The Planning Commission received testimony and deliberated on this matter at their May 4, 2023 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 May 4, 2023 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 May 4, 2023 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report. The applicants are requesting to change the comprehensive plan map zoning to Public Facility (PF) required for a zone map amendment to be filed simultaneously. Section III of the Staff Report is included as Exhibit A to this Order.
  
- III. **DECISION: Approved** the motion to recommend the application to City Council on May 4, 2023. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in CMA23-01 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application CMA23-01 and recommends approval by the City Council.
  
- IV. **APPEALS:** All Type IV land use decisions of the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.

**PLANNING COMMISSION DECISION:** May 4, 2023  
**APPEAL DEADLINE:** May 16, 2023 at 5:00 PM  
**CITY COUNCIL MEETING:** May 23, 2023 at 6:30 PM

  
 \_\_\_\_\_  
 Henry Wolthuis, Planning Commission Vice Chair

  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Blair Larsen, Community and Economic Development Director

  
 \_\_\_\_\_  
 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 (21 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 CMA23-01

The review and decision criteria for a comprehensive plan map amendment are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

**A. Amendments to the Comprehensive Plan map shall be reviewed in accordance with the Type IV review procedures specified in Chapter 17.128. [SHMC 17.112.020]**

Staff Findings: The application for the Comprehensive Plan Map Amendment was reviewed in accordance with SHMC 17.128.010 (B).

Based on the above information, staff find that the application complies with this criterion.

**B. An application for a map amendment shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.128. [SHMC 17.112.030]**

Staff Findings: The application was received and deemed completed on March 17, 2023. Notices were sent per SHMC 17.128.010(D)(1-7). Notices were emailed and mailed via US Postal Service on March 21, 2023. Notice was posted in the New Era newspaper on March 29, 2023.

Based on the above information, staff find that the application complies with this criterion.

**C. The applicant shall prepare and submit an application, site plan, and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. A site plan shall not be required to initiate a Comprehensive Plan map amendment. [SHMC 17.112.040]**

Staff Findings: the applicant submitted the application, a narrative, a site plan, and list of affected properties on March 17,2023.

Based on the above information, staff find that the application complies with this criterion.

**D. All information and analysis must justify the proposed change relative to the Map designation to which the property is proposed to change, and to the Map designation from which the property is changing. The analysis must address the impacts from decreasing acreage of one map designation and increasing acreage for the proposed map designation [SHMC 17.112.050(A)].**

Staff Findings: The Sweet Home Comprehensive Plan Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application do not have a Public Facility (PF) Comprehensive Plan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The historic land use of the subject properties has been a public use. With the adoption of the Public Facility (PF) zone, the applicants are proposing to bring the zoning in conformance with the historic and continued use of each property.

Based on the above information, staff find that the application complies with this criterion.

**E. Compliance is demonstrated with the Statewide Land Use Planning Goals and Guidelines and any relevant Administrative Rules applying to the subject properties or to the**

**proposed land use designation. If the proposed designation requires an exception to the Goals, the applicable criteria in the Land Conservation and Development Commission (LCDC) Administrative Rules for the type of exception needed shall also apply [SHMC 17.112.050(B)].**

Staff Findings: The application complies with Statewide Planning Goals 2 Land Use Planning and 11 Public Facilities and Services. The proposed designation does not require an exception to the goals.

Based on the above information, staff find that the application complies with this criterion.

**F. Consistency with the applicable goals and policies in the Comprehensive Plan is demonstrated [SHMC 17.112.050(C)].**

Staff Findings: Table 1 of the Summary of Comprehensive Plan Land Use Designations lists Public as a land use designation, however there was never municipal code written for the Public land use designation. SHMC Chapter 17.25 Public Facility (PF) Zone criteria were implemented on October 27, 2023. The update to the Public Facility zone will bring the subject properties into compliance with the Comprehensive Plan designation.

Based on the above information, staff find that the application complies with this criterion.

**G. The Plan does not provide adequate areas in appropriate locations for uses allowed in the proposed land use designation and the addition of this property to the inventory of lands so designated is consistent with projected needs for such lands in the Comprehensive Plan [SHMC 17.112.050(D)].**

Staff Findings: The use of the subject properties has been historically public. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**H. The Plan provides more than the projected need for lands in the existing land use designation [SHMC 17.112.050(E)].**

Staff Findings: The use of the subject properties is not changing. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B. The plan brings the zoning designation into conformance with the historic use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**I. The proposed land use designation will not allow zones or uses that will destabilize the land use pattern in the vicinity or significantly adversely affect existing or planned uses on adjacent lands [SHMC 17.112.050(F)].**

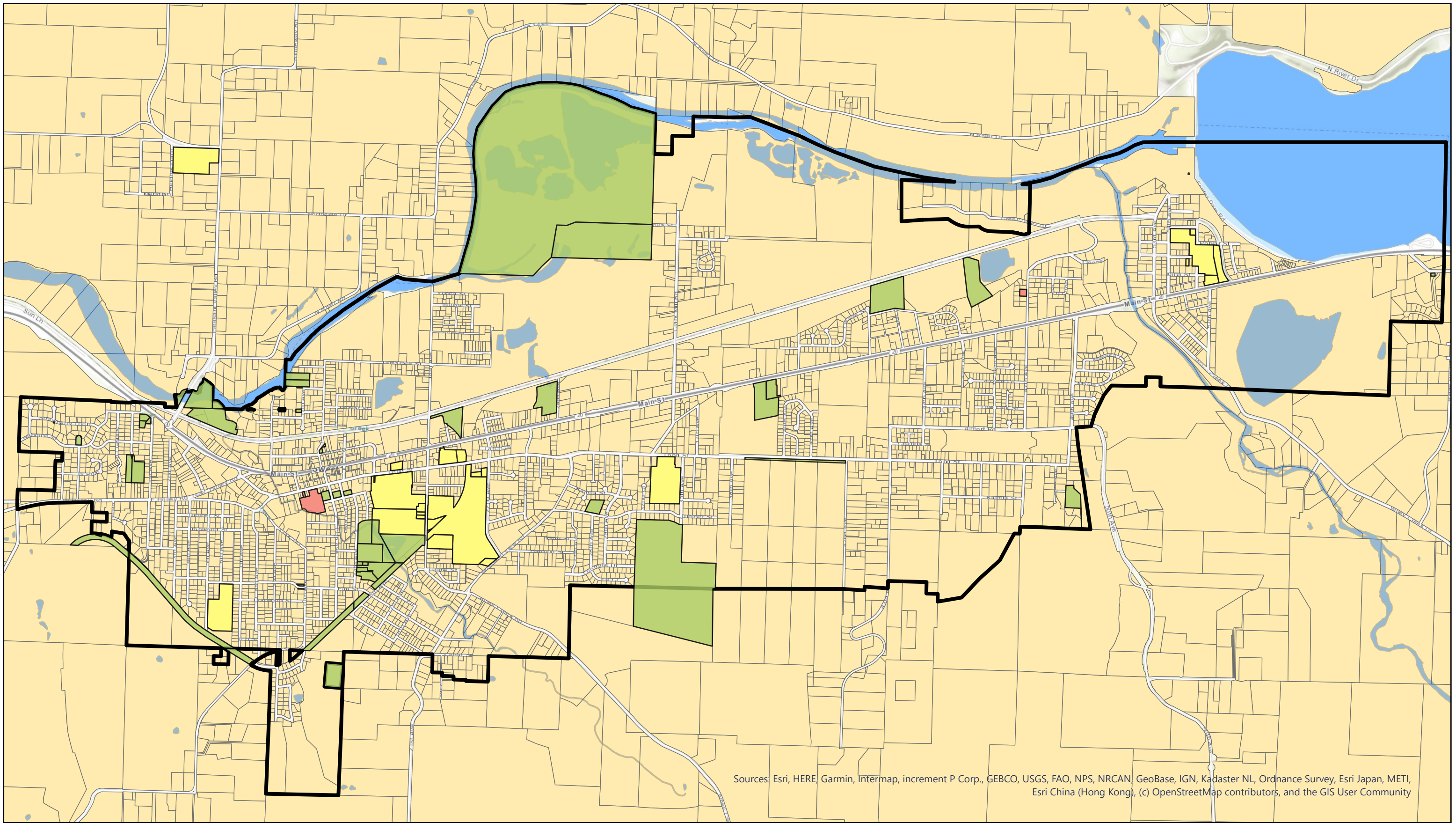
Staff Findings: The use of the subject properties is not changing. A Comprehensive Plan Map Amendment is required to do a zone map amendment for the properties listed on Attachments A and B.

Based on the above information, staff find that the application complies with this criterion.

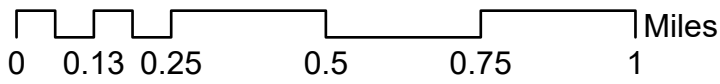
**J. Public facilities and services, including transportation facilities, necessary to support uses allowed in the proposed designation are available, or, will be available in the near future [SHMC 17.112.050(G)].**

Staff Findings: The use of the subject properties is not changing.

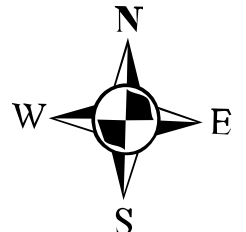




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**City of Sweet Home Properties**  
 Including Fire and School District Properties  
 City Of Sweet Home Engineering Department



- |  |  |
|--|--|
| Owner  | City Limits  |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span> City             | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Waterbodies         |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightcoral; border:1px solid black;"></span> Fire District    | <span style="display:inline-block; width:10px; height:10px; background-color:lightyellow; border:1px solid black;"></span> taxlots_SweetHome |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightyellow; border:1px solid black;"></span> School District |  |







# REQUEST FOR COUNCIL ACTION

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**Title:** Ordinance Bill No. 13 for 2023, Ordinance No. 1318

**Preferred Agenda:** June 13, 2023

**Submitted By:** Angela Clegg, Associate Planner

**Reviewed By:** B. Larsen, CEDD Director  
K. Young, City Manager

**Type of Action:** Resolution  Motion  Roll Call  Other

**Relevant Code/Policy:** SHMC 2.04.030 Powers of the City Council

**Towards Council Goal:** Vision Statement, Aspiration I: Desirable Community, Mission Statement

**Attachments:** Ordinance No. 13 for 2023, Ordinance No. 1318

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## **Purpose of this RCA:**

The purpose of this RCA is to conduct the third reading and adopt Ordinance Bill No. 13 for 2023, Ordinance 1318.

## **Background/Context:**

The City of Sweet Home, Sweet Home School District, and Sweet Home Fire District are proposing to change the Zoning Map for their properties, consisting of approximately 425 acres, located in Sweet Home, OR 97386 (see the attached map). The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Recreation Commercial (RC) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The Sweet Home Planning Commission held a public hearing on May 4, 2023 to review application ZMA23-01 and receive testimony. At that meeting, the Planning Commission approved the application and recommended that the City Council approve it.

On May 23, 2023 the City Council held a Public Hearing regarding the application and completed the 1<sup>st</sup> reading of the ordinance for Comprehensive Plan Map Amendment Application ZMA23-01.

On June 13, 2023 the City Council will conduct the third reading and adopt Ordinance No. 13 for 2023, Ordinance 1318.

**The Challenge/Problem:**

Should the zone map be changed to allow the Public Facility designation of the properties?

Should the zoning map designations be followed if the proposed amendment is consistent with the goals and policies of the comprehensive plan?

**Stakeholders:**

- The Owners would be bringing their properties into conformance with the historic uses and they would be able to develop their properties without the need of conditional use applications saving time and money.
- The City of Sweet Home would be bringing their properties into conformance with the historic use of their properties and would be able to develop their properties without a conditional use application.

**Issues and Financial Impacts:**

There are no issues or financial impacts currently identified.

**Elements of a Stable Solution:**

A stable solution is one in which a decision on the application is made that conforms with City Code and State Law.

The Sweet Home Municipal Code provides criteria for map amendments such as this:

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan;
- 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;
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and
- D. The proposed amendment to the comprehensive plan map is consistent with Oregon’s statewide planning goals

**Options:**

1. Deny Application ZMA23-01. Staff would prepare an Order of Denial for Application ZMA23-01.
2. Approve Application ZMA23-01 as presented and adopt Ordinance No. 13 for 2023, Ordinance No. 1318.
3. Recommend a different comprehensive plan map amendment. Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Planning Commission and Council meeting.

**Recommendation:** Staff Recommends Option 2: Approve Application ZMA23-01 as presented and adopt Ordinance No. 13 for 2023, Ordinance No. 1318.

ORDINANCE BILL NO. 13 FOR 2023

ORDINANCE NO. 1319

AN ORDINANCE AMENDING THE ZONING MAP

WHEREAS, the applicants, the City of Sweet Home, Sweet Home School District, and Sweet Home Fire District, are proposing to change the Zoning Map for their properties, consisting of approximately 425 acres, located in Sweet Home, OR 97386; and

WHEREAS, the Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Recreation Commercial (RC) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone; and

WHEREAS, the subject properties listed in the application do not have a Public Facility (PF) Zoning Map designation; and

WHEREAS, on October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on May 4, 2023 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 May 4, 2023, meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on May 23, 2023, 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 May 23, 2023, meeting; and

WHEREAS, the proposed Public Facility (PF) 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 zoning map amendment application ZMA23-02 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.06 as the Zoning Map including all subsequent amendments, for the areas consisting of approximately 425 acres located in Sweet Home, OR 97386 included as Exhibit B. The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Recreation Commercial (RC) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone.

Passed by the Council and approved by the Mayor this 13th day of June 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA23-01

**Exhibit A to Order of Approval for ZMA23-01**

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

Staff Findings: The application for the Zone Map Amendment was reviewed in accordance with SHMC 17.128.010 (B).

Based on the above information, staff find that the application complies with this criterion.

**B. An application for a zone change shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.128. [SHMC 17.114.030]**

Staff Findings: The application was received and deemed completed on March 17, 2023. Notices were sent per SHMC 17.128.010(D)(1-7). Notices were emailed and mailed via US Postal Service on March 21, 2023. Notice was posted in the New Era newspaper on March 29, 2023.

Based on the above information, staff find that the application complies with this criterion.

**C. The applicant shall submit an application and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. A site plan shall not be required to initiate a Zone Map amendment. [SHMC 17.114.040]**

Staff Findings: The applicant submitted the application, a narrative, a site plan, and list of affected properties on March 17, 2023.

Based on the above information, staff find that the application complies with this criterion.

**D. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification [SHMC 17.114.050(A)].**

Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01). A Comprehensive Plan Map amendment is being filed simultaneously for the subject properties not having a Public Facility comprehensive pan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The historic land use of the subject properties has been a public use. With the adoption of the Public Facility (PF) zone, the applicants are proposing to bring the zoning in conformance with the historic and continued use of each property.

Based on the above information, staff find that the application complies with this criterion.

**E. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity [SHMC 17.114.050(B)].**

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**F. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code [SHMC 17.114.050(C)].**

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**G. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property [SHMC 17.114.050(D)].**

Staff Findings: The use of the subject properties is not changing.

**H. For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met [SHMC 17.114.050(E)].**

Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01).

Based on the above information, staff find that the application complies with this criterion.



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

In the matter of the ) Zone Map Amendment  
 Zone Map Amendment ) File No. ZMA23-01  
 request by City of Sweet Home, SHSD, SDFD )

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

**PLANNING COMMISSION ORDER OF APPROVAL**

**REQUEST:** The City of Sweet Home, Sweet Home School District, and Sweet Home Fire District are proposing to change the Zoning Map for their properties, consisting of approximately 425 acres, located in Sweet Home, OR 97386 (see the attached map). The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Recreation Commercial (RC) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone. 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 ZMA23-02 is being filed simultaneously with Application CMA23-01. The subject properties that do not have a Comprehensive Plan Designation of Public Facility (PF) will be pending the approval of Application of CMA23-01 to complete the Zone Map Amendment proposed in Application ZMA23-02.

**APPLICANT:** The City of Sweet Home

**PROPERTY OWNER:** City of Sweet Home, Sweet Home School District, Sweet Home Fire District

**FILE NUMBER:** ZMA23-02

**PROPERTY LOCATION:** Various Tax Lots, Sweet Home, OR 97386 (see Attachments A and B)

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.24, 17.114, OAR 660-012-0060

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on May 4, 2023. At the hearing the Planning Commission reviewed application ZMA23-02. The Planning Commission received testimony and deliberated on this matter at their May 4, 2023 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 May 4, 2023 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 May 4, 2023 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report. The applicants are requesting to change the zone map to Public Facility (PF) to bring the zoning into conformance with the existing and approved comprehensive plan zoning designation. Section III of the Staff Report is included as Exhibit A to this Order.
- III. **DECISION: Approved** the motion to recommend the application to City Council on May 4, 2023. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in ZMA23-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA23-02 and recommends approval by the City Council.
- IV. **APPEALS:** All Type IV land use decisions of the City Council may be appealed to the Land Use Board of Appeals (LUBA). The appeal shall be submitted within 21 days of the date the decision is mailed. Appeals shall comply with LUBA procedures.

**PLANNING COMMISSION DECISION:** May 4, 2023  
**APPEAL DEADLINE:** May 16, 2023 at 5:00 PM  
**CITY COUNCIL MEETING:** May 23, 2023 at 6:30 PM

 Henry Wolthuis, Planning Commission Vice Chair	<u>5.16.23</u> Date
 Blair Larsen, Community and Economic Development Director	<u>5/16/23</u> 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 (21 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 ZMA23-01

The review and decision criteria for a comprehensive plan map amendment are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

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

Staff Findings: The application for the Zone Map Amendment was reviewed in accordance with SHMC 17.128.010 (B).

Based on the above information, staff find that the application complies with this criterion.

**B. An application for a zone change shall be filed with The City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.128. [SHMC 17.114.030]**

Staff Findings: The application was received and deemed completed on March 17, 2023. Notices were sent per SHMC 17.128.010(D)(1-7). Notices were emailed and mailed via US Postal Service on March 21, 2023. Notice was posted in the New Era newspaper on March 29, 2023.

Based on the above information, staff find that the application complies with this criterion.

**C. The applicant shall submit an application and other supplemental information as may be required by City staff to indicate the intent of the development. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. A site plan shall not be required to initiate a Zone Map amendment. [SHMC 17.114.040]**

Staff Findings: The applicant submitted the application, a narrative, a site plan, and list of affected properties on March 17, 2023.

Based on the above information, staff find that the application complies with this criterion.

**D. The proposed zone is appropriate for the Comprehensive Plan land use designation on the property and is consistent with the description and policies for the applicable Comprehensive Plan land use classification [SHMC 17.114.050(A)].**

Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01). A Comprehensive Plan Map amendment is being filed simultaneously for the subject properties not having a Public Facility comprehensive pan designation. A Comprehensive Plan Map Amendment must be approved to complete a Zone Map Amendment. On October 27, 2022, the City of Sweet Home adopted the revised Sweet Home Municipal Code Title 17 that included Chapter 17.24 Public Facility (PF) Zone.

The historic land use of the subject properties has been a public use. With the adoption of the Public Facility (PF) zone, the applicants are proposing to bring the zoning in conformance with the historic and continued use of each property.

Based on the above information, staff find that the application complies with this criterion.

**E. The uses permitted in the proposed zone can be accommodated on the proposed site without exceeding its physical capacity [SHMC 17.114.050(B)].**

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**F. Allowed uses in the proposed zone can be established in compliance with the development requirements in this Development Code [SHMC 17.114.050(C)].**

Staff Findings: The use of the subject properties has been historically public. The zone change will bring the zoning designation in conformance with the use of the subject properties.

Based on the above information, staff find that the application complies with this criterion.

**G. Adequate public facilities, services, and transportation networks are in place or are planned to be provided concurrently with the development of the property [SHMC 17.114.050(D)].**

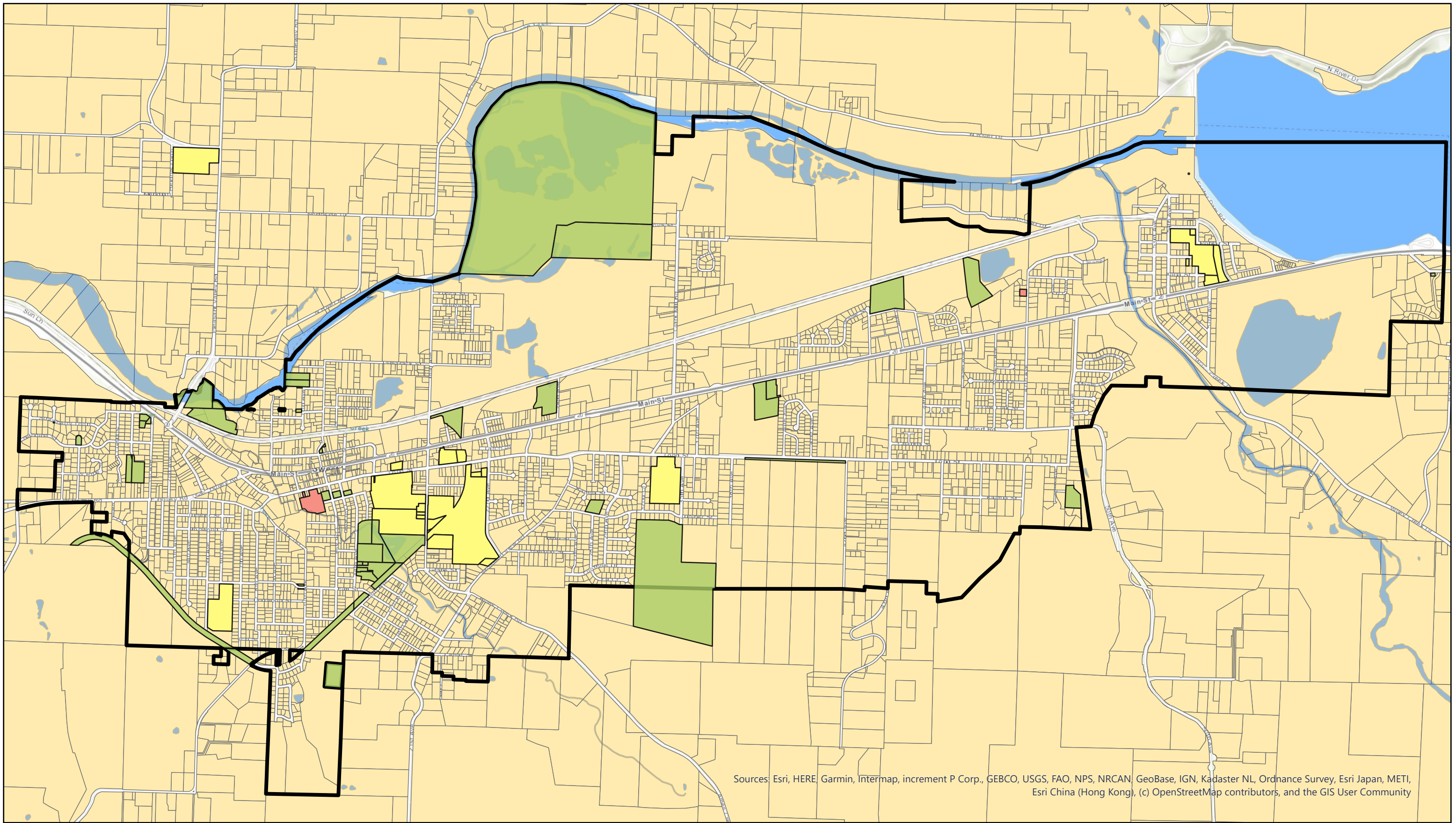
Staff Findings: The use of the subject properties is not changing.

**H. For residential zone changes, the criteria listed in the purpose statement for the proposed residential zone shall be met [SHMC 17.114.050(E)].**

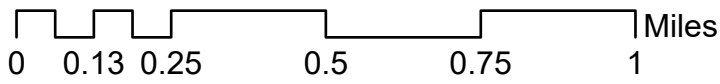
Staff Findings: The Sweet Home Zoning Map is proposed to change from the Commercial Central (C-1) zone, the Commercial Highway (C-2) zone, the Residential Low Density (R-1) zone, the Residential Medium Density (R-2) zone, the Residential High Density (R-2) zone, and the Mixed-Use Employment (MUE) zone to the Public Facility (PF) zone. The subject properties listed in the application have a Public Facility (PF) Comprehensive Plan designation (with the approval of Application CMA23-01).

Based on the above information, staff find that the application complies with this criterion.

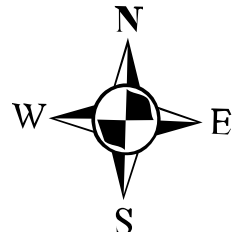




Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community



**City of Sweet Home Properties**  
 Including Fire and School District Properties  
 City Of Sweet Home Engineering Department



- |   |  |
|---|--|
| Owner   | City Limits  |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightgreen; border:1px solid black;"></span> City          | <span style="display:inline-block; width:10px; height:10px; background-color:lightblue; border:1px solid black;"></span> Waterbodies         |
| <span style="display:inline-block; width:10px; height:10px; background-color:lightcoral; border:1px solid black;"></span> Fire District | <span style="display:inline-block; width:10px; height:10px; background-color:lightyellow; border:1px solid black;"></span> taxlots_SweetHome |
| <span style="display:inline-block; width:10px; height:10px; background-color:yellow; border:1px solid black;"></span> School District   |  |



# REQUEST FOR COUNCIL ACTION

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**Title:** Ordinance for Certain Updates of SHMC

**Preferred Agenda:** May 23, 2023

**Submitted By:** Robert Snyder, City Attorney

**Reviewed By:** Kelcey Young, City Manager

**Type of Action:** Resolution\_\_\_ Motion\_\_\_ Roll Call\_\_\_ Other\_x\_\_\_

**Relevant Code/Policy:** SHMC Section 1.01.010 Adoption  
SHMC Section 12.04.010C Owner--Responsibility

**Towards Council Goal:** Goal 2 (1) Update and streamline processes  
Vision Statement II WE ASPIRE to have an effective and efficient local government.

**Attachments:** SHMC 1.01.010 and SHMC 12.04.010C

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## **PURPOSE FOR THIS RCA:**

SHMC Section 1.01.010 is an information section of the SHMC that lists the past code compilers. The proposed amendment adds to the list the City of Sweet Home since it is now compiling new code sections and changes to the code in house.

SHMC Subsection 12.04.010 C. deals with agreements that are entered into between the City and a property owner pertaining to later development of improvements for sidewalk, driveway approach, curb, gutter, storm drain and street improvement when development is adjoining an unimproved street. The proposed amendment updates the verbiage by removing “non-remonstrance” before agreement and inserting therein “development” before agreement to make it the same as the new zoning code.

## **BACKGROUND/CONTEXT:**

The first amendment dealing with code updates adds the City of Sweet Home to the compilers of the code when new sections and amendments are added to the code. The City Manager’s office is currently entering the changed code sections when new ordinances amend or change the code instead of sending it to a publisher.

The second amendment dealing with development improvement agreements updates the verbiage to match the wording in the new zoning code.

**THE CHALLENGE/PROBLEM:**

Should the City of Sweet Home pass the proposed ordinance ?

**STAKEHOLDERS**

Staff- for ordinance provisions that will reflect how the code is compiled and make it consistent between its different Chapters.

City Council - for an effective way to update the SHMC.

Citizens of Sweet Home - for effective and efficient local government in dealing with its laws.

**ISSUES & FINANCIAL IMPACTS:**

There are no financial terms of the proposed ordinance .

**ELEMENTS OF A STABLE SOLUTION:**

Keep the code sections reflecting what is the current processes in the City and keep it updated so the different chapters read the same.

**OPTIONS:**

1. Do Nothing- Keep the current code without the new provisions.
2. Motion to conduct a first reading of the proposed ordinance as presented
3. Motion to conduct a first reading of the proposed ordinance with changes- The Council may make changes to the proposed ordinance.
4. Direct Staff to research other ways to accomplish the same goals.

**RECOMMENDATION:**

Option 2 is the recommended option: Motion to conduct a first reading of the proposed ordinance as presented.





ATTACHMENT TO RCA

SHMC 1.01.010

There is adopted the "Sweet Home Municipal Code", as now and hereafter compiled, edited and published for the City of Sweet Home by American Legal Publishing Corporation, Cincinnati, Ohio and any subsequent publishing company hired by the City of Sweet Home for said purpose.

SHMC 12.04.010

C. A bond or other legal instrument approved by the City Engineer binding an owner and all future owners to construct a sidewalk and/or driveway approach within a given time frame shall be required prior to occupancy approval as a condition of all building, development and public work permits for all new construction on property adjoining an improved street where sidewalks and/or driveway approaches are not in existence. When new construction is not adjoining an improved street, the owner shall sign a non-remonstrance agreement for future improvements (including sidewalk, driveway approach, curb, gutter, storm drains and street improvements) to be recorded in Linn County deed records and shall be binding upon all future owners. The method of financing the improvements shall include LID'S or any other approved fair share methods assigning costs to an owner.

ORDINANCE BILL NO.15 FOR 2023

ORDINANCE NO. 1320

SWEET HOME ORDINANCE AMENDING SHMC SECTION 1.01.010 PERTAINING TO CODE COMPILERS AND SHMC SECTION 12.04.010 (C) PERTAINING TO DEVELOPMENT IMPROVEMENTS.

WHEREAS, The City of Sweet Home is updating its adoption section of the SHMC to keep current with city procedures on the compilation of the code and is updating wording that needs to be reflected in other parts of the code to be consistent with the new zoning code.

Now therefore,

The City of Sweet Home does ordain as follows:

Section 1. SHMC Section 1.01.010 is amended to read as follows:

There is adopted the "Sweet Home Municipal Code", as has been and is now and hereafter compiled, edited, and published for the City of Sweet Home by American Legal Publishing Corporation, Cincinnati, Ohio; by any subsequent publishing company hired by the City of Sweet Home for said purpose; and by the City of Sweet Home.

Section 2. SHMC Subsection 12.04.010C is amended by removing therefrom the word "non-remonstrance" and replacing it with the word "development" before the word agreement therein.

PASSED by the Council and approved by the Mayor this 13<sup>th</sup> day of June, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Manager - Ex Officio City Recorder