



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

November 02, 2020, 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.

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the Planning Commission, boards and City Council, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission 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 Planning Commission meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

Public Comment. This is an opportunity for members of the public to address the Planning Commission on topics that are not listed on the agenda.

Meeting Minutes: September 21, 2020

Public Hearings

Application CU20-05: The applicant is requesting a conditional use permit for a two-bedroom, two-bathroom multi-family apartment complex consisting of nine units and 18 onsite parking spaces. A Property Line Adjustment application was submitted and approved by Administrative Decision on July 28, 2020, combining Lots 4700 and 4735. The property is in the Residential Medium Density (R-3) Zone per Zone Map Application ZMA20-02 approved by the Planning Commission on July 13, 2020 and Ordinance No. Bill 11 for 2020 approved by City Council on September 8, 2020. In the Residential Medium Density (R-3) Zone, multi-family units are permitted as a conditional use. [SHMC 17.30.30(B)]

Staff Updates on Planning Projects:

Development Code Updates

Pending Applications

Adjournment

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.

Persons interested in commenting on these issues should submit testimony in writing to the Community and Economic Development Department Office located in City Hall prior to the hearing or attend the meeting and give testimony verbally. Persons who wish to testify will be given the opportunity to do so by the Chair of the Commission at the Planning Commission meeting. Such testimony should address the zoning ordinance criteria which are applicable to the request. The Sweet Home Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:

READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”

- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

If you have a question, please wait until appropriate time and then direct your questions to the Planning Commission. Please speak one at a time so the recorder knows who is speaking.



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6:30

Roll Call of Commissioners

Chairman Parker:	Present
Commissioner Walthuis:	Present
Commissioner Gatchell:	Absent
Commissioner Stephens:	Present
Commissioner Journey:	Present
Commissioner Korn:	Present
Commissioner Unger:	Absent

Staff: Blair Larsen, CEDD Director; Angela Clegg, Associate Planner; Joe Graybill, Staff Engineer

Visitors: Jon & Corina Mears, 4196 Long Street, Sweet Home, OR 97386
David Barringer, 1010 Northside Drive, Sweet Home, OR 97386
Gay Emmert, PO Box 225, Foster, OR 97345
Duane & Claire Edmonson, 1299 41st Street, Sweet Home, OR 97386
Cindy Farrell, 4126 Long Street, Sweet Home, OR 97386
Gayle Lloyd, 4204 Long Street, Sweet Home, OR 97386

Public Comment.

None

Meeting Minutes: August 3, 2020

Commissioners Comments: None

Commissioner Journey moved to approve the August 2020 meeting minutes as presented.

Commissioner _Korn seconded the motion to approve the meeting minutes as presented.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Walthuis:	Aye
Commissioner Gatchell:	Absent
Commissioner Stephens:	Aye
Commissioner Journey:	Aye

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Commissioner Korn: Aye
Commissioner Unger: Absent

Motion Passed (5) Ayes to (0) Nays, (2) Absent

Public Hearings

Application CU20-04: The applicant is requesting a conditional use permit in order to apply for a Property Line Adjustment and construct a 40-foot by 50-foot building. The construction of governmental structures or governmental land use shall be through a conditional use permit [SHMC 17.32.030(B)]. The property is proposed to be used as it is currently, with a storage building for vehicles and equipment. The subject property contains approximately 138,833 square feet and is in the Commercial Central (C-1) Zone. Application CU20-04 is pending the Administrative Decision of the Property Line Adjustment Application PLA20-11, filed simultaneously.

PUBLIC HEARING OPENED AT 6:34 PM

Chairman Parker read the description of the application and the Planning Commission criteria.

The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Personal Bias: None
Conflict of Interest: None
Exparte Information: None

Comments/Discussion:

Clegg read the staff report

Applicant Testimony: 6:45

Dave Barringer spoke in defense of the application.

Testimony in Favor: none
Testimony in Opposition: none
Neutral Testimony: none
Rebuttal: none

PUBLIC HEARING CLOSED AT 6:47 PM

Commissioners Discussion:

No comments

Commissioner Stephens moved to approve application CU20-04 and thereby permit the Conditional Use Permit, adopting the findings of fact listed in Attachment A of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.

Commissioner Wothuis seconded the motion to approve.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Gatchell:	Absent
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Unger:	Absent

Motion Passed (5) Ayes to (0) Nays, (2) Absent

Application SD20-01: The applicant is requesting to subdivide an approximately 13.57-acre property into fifty-four lots ranging from 5,158 to 9,605 square feet. 3.04 acres are proposed to be dedicated to the City of Sweet Home for public right-of-way improvement and 2.48 acres are to be retained as open space for wetland preservation, stormwater detention and a drainage ditch. The subject property is in the Residential High Density (R-2) Zone.

PUBLIC HEARING OPENED AT 6:49 PM

Chairman Parker read the description of the application and the Planning Commission criteria.

The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

Personal Bias: None

Conflict of Interest: None

Exparte Information: Eva drove into Duck Hollow I & II, Henry participated in the previous applicationNone

Comments/Discussion:

Clegg read the staff report

Commissioners had no comments for staff.

Applicant's Testimony: 7:20ish

Technical difficulties with the live stream and audio.

Testified on behalf of their application. Spoke to the conditions of approval.

Commissioners Comments:

Eva's asked question regarding the division of infrastructure and home building. Brian Vendetta answered. Eva asks about recreation areas for families. Brian answered toward the code. Laura spoke to the recreation activities and connectivity between the subdivisions

Henry asks about the street names and why they aren't consistent. Joe answered about the street naming and the reasons for the naming in this area. Spoke to discouraging multiple similar street names.

Greg S asked about an HOA. Joe states that it is not required to have an HOA. Brian vendetta spoke to their position on an HOA. Brian presented other options other than an HOA. Asked if it becomes a condition to have it be flexible and possible work with staff to create an agreement to take care of the tracts in the same way as an HOA. Blair explained the statement due to some feedback issues.

Henry agreed with greg about other areas that haven't been taken care of in the history of other area in the City.

Parker asked for consistency for map wording. Brian agreed to the terms.

Testimony in Favor: none 7:11 7:42

Testimony in Opposition: none 7:42

Neutral Testimony: Cindy 7:43

Concerned about the wetland areas properly being take care and kids getting into it.

Made a statement about the former phases having an HOA

Karina concerned about the wetlands being maintained and managed and someone being held accountable for it.

Gail concerned about a road going down the property. What will the setbacks be for the easements, sidewalks, etc? Concerned about sidewalks and when they must be put in.

Joe replied to Gail regarding the sidewalks. Blair and Joe discussed that more development makes it better for grant applications.

Blair addresses the fence issue and told the speaker that he will get them in touch with the developer. Gail expressed a desire to work with the developer.

Rebuttal: 7:56

Brian spoke to the maintenance of the wetlands. Developer agreed to an HOA unless staff finds another way to provide an agreement.

The developer is willing to meet with the neighboring owners on the fencing and trees.

PUBLIC HEARING CLOSED AT 7:58 PM

Commissioners Discussion:

Parker discussed the HOA discussion. Stephens states that he doesn't need an HOA as long as there is some sort of agreement in place for the maintenance.

Blair and Angela spoke to the mitigation and maintenance of the wetlands through the DSL permitting

Henry stated that he feels that more conditions need to be states.

Eva made comments.

Add Conditionals of Approvals 10 & 11

Parker wants a to see 42nd avenue roughed in foe Phase I construction purchases. Joe said that it can be stated as a condition. There was a discussion about the utilities going in of they put in gravel road foe temporary use.

Commissioner Korn moved to approve application SD20-01 and thereby permit the Subdivision application, adopting the findings of fact listed in Attachment A of the staff report, including the 24 months for the 1st & 2nd phase, addition of COA 10 & 11, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.

Commissioner Journey seconded the motion to approve.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Gatchell:	Absent
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Unger:	Absent

Motion Passed (5) Ayes to (0) Nays, (2) Absent

Staff Updates on Planning Projects:

8:23

Development Code Updates

Blair spoke about the development code update.

Pending Applications

P19-07 City of Sweet Home 24th Avenue – On Hold
PLA20-11 Barringer fire station, pending CU20-04
CU20-05 Bradford 23rd Avenue, Notice sent last Friday
P20-08 Brown 4647 Kalmia, Notice sent last Friday
P20-09 Morelli Tamarack, application in review

October Planning Commission Meeting – nothing on the schedule.

Henry voted & Korn seconded, unanimous vote.

Blair discussed the apartment complex at Long street.

Stephens

Planning Commissioner Comments:

8:30ish

Parker and Eva asked about green spaces into new code and requiring a certain amount of green space per so many units. Blair stated that it can be suggested in the new code. Further discussion went on about the feedback criteria. Parker would like to see some sort of example.

Adjournment

8:38.

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City of Sweet Home

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit for a two-bedroom, two-bathroom multi-family apartment complex consisting of nine units and 18 onsite parking spaces. A Property Line Adjustment application was submitted and approved by Administrative Decision on July 28, 2020, combining Lots 4700 and 4735. The property is in the Residential Medium Density (R-3) Zone per Zone Map Application ZMA20-02 approved by the Planning Commission on July 13, 2020 and Ordinance No. Bill 11 for 2020 approved by City Council on September 8, 2020.

In the Residential Medium Density (R-3) Zone, multi-family units are permitted as a conditional use. [SHMC 17.30.30(B)]

APPLICANT: Seven Star Investments

PROPERTY OWNER: Jim Bradford

FILE NUMBER(S): CU20-05

PROPERTY LOCATION: 933 23rd Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.24.030, 17.80.040

HEARING DATE & TIME: **November 2, 2020 at 6:30 PM**

HEARING LOCATION: City Hall, Council Chambers at 3225 Main Street, Sweet Home, Oregon 9738

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

REPORT DATE: October 26, 2020

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Medium Density (R-3)	Medium Density Residential
Property North	Residential High Density (R-2) Residential Low Density (R-1)	High Density Residential
Property East	Residential Low Density (R-1)	Low Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Low Density Residential

Floodplain: Based on a review of the FEMA FIRM Maps; per panel 41043C0914G dated September 29, 2010 the subject property is not located in the 100-year floodplain.

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

Access: The subject property has frontage along 23rd Avenue.

Services: The property is connected to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received: August 26, 2020

Application Deemed Complete: September 16, 2020

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: September 8, 2020

Notice Published in New Era Newspaper: September 23, 2020

Date of Planning Commission Hearing: November 2, 2020

120-Day Processing Deadlines: January 14, 2021

II. COMMENTS

CEDD Engineering: Project & Location: The Conditional Use commercial apartment building will be accessing 23rd Ave only, even though the property also has frontage on Mtn View Road.

Streets & Stormwater: Street access is to 23rd Avenue, a single driveway entering to the south end of 23rd Avenue cul-de-sac, and sidewalks around the property frontage of the cul-de-sac will be required. Stormwater runoff will be contained onsite, with a controlled outlet to the drainage system in 23rd Avenue. The development appears to cover most of the properties. There are two different directions (north and west) for traffic to flow from the apartment. Both 23rd Avenue and Ironwood St are built out with no other lots available. There is an apartment next door to this project and two Single Family Attached townhouse located on 23rd also. No significant additional traffic is anticipated. There is a local unnamed stormwater creek channel that runs along the east and north lines of the property toward 23rd Avenue. Most but not all the channel is on the two adjacent properties. It has an upstream source near 27th Avenue and 28th Avenue. On the Sweet Home Local Wetland Inventory, the channel is designated CC-1. CC-1 (Cotton Creek – the first upper reach of the drainage) refers to the LWI Wetland Characterization Sheets that indicate Dominant Wetland Vegetation, Soils, Location, Hydrologic Basin and other information of the channel. The owner of the next-door apartment

complex would like reassurance that the channel flow will be maintained, cleared of brush and any debris that accumulates.

Water & Sanitary: Water and Sanitary Sewer services are available in 23rd Avenue. Sewer service connections have been extended to the property by the previous owner. Water service connections have not been requested at this time.

Comments & Recommendations: CEDD-IS have no issues at this time. Some utility services are installed. The City would recommend that the creek channel be cleared of debris as needed.

Public Works Division: Sidewalk development on the 23rd Avenue cul-de-sac will be required upon development. There is a sewer main easement on the southwest side of the property for a sewer main that runs from Mountain View Rd to 23rd Avenue. The parking lot is an acceptable use of the easement. There is a drainage ditch on the east and north sides of the property that conveys runoff from Mountain View Road to 23rd Avenue and does not have an easement. Public Works desires a 20' public utility easement for this drainage. This may require moving the building west slightly. If the developer pipes the drainage, then Public Works would be willing to consider a narrower easement on the east side.

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

Fire Department: No comments as of the issue of this Staff Report.

III. REVIEW AND DESIGN CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws [SHMC 17.80.040(A)].

Staff Findings: The construction of multi-family dwellings shall be through a conditional use permit [SHMC 17.30.030(B)].

The application complies with this criterion.

B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

1. **Building size;**
2. **Parking;**
3. **Traffic;**
4. **Noise;**
5. **Vibration;**
6. **Exhaust and emissions;**
7. **Light and glare;**

8. **Erosion;**
9. **Odor;**
10. **Dust;**
11. **Visibility;**
12. **Safety;**
13. **Building, landscaping or street features [17.80.040(B)].**

Staff Findings: The applicant is requesting a conditional use permit for a two-bedroom, two-bathroom multi-family apartment complex consisting of nine units and 18 onsite parking spaces. In the Residential Medium Density (R-3) Zone, multi-family units are permitted as a conditional use. [SHMC 17.30.30(B)]

1. Building size:
Staff Findings: There are no issues with the building size. Per SHMC 17.30.080
2. Parking and Traffic:
Staff Finding: There will be little to no traffic or parking impact. The 9-plex shall include 18 parking spaces. Single-, two- and multi-family dwellings require two spaces per dwelling unit [SHMC 17.08.090(H)(1)]
3. Noise:
Staff Findings: The applicant has not indicated the proposed use is sensitive to neighborhood noise levels except during the construction phase of the multi-family dwelling.
4. Vibration:
Staff Findings: The proposed use is not one that will create vibrations except during the construction phase of the multi-family dwelling.
5. Exhaust and emissions:
Staff Findings: The proposed use is not anticipated to create exhaust or emissions.
6. Light and glare:
Staff Findings: The applicant has not indicated that the proposed use will create light and glare different than what is normal in a residential zone.
7. Erosion:
Staff Findings: Staff has not identified any significant impacts from erosion that would preclude the proposed development.
8. Odor:
Staff Findings: The proposed home occupation would not create odor.
9. Dust:
Staff Findings: Aside from the initial construction, the proposed home occupation would not create dust.
10. Visibility:
Staff Findings: The proposed use would not affect visibility of any person on or off the subject property.
11. Safety:
Staff Findings: Staff has not identified any negative safety impacts that would adversely affect the establishment of the proposed use on the subject property.

12. Building, landscaping or street features:

Staff Findings: Per the Public Works comments, sidewalk development on the 23rd Avenue cul-de-sac will be required upon development. There is a drainage ditch on the east and north sides of the property that conveys runoff from Mountain View Road to 23rd Avenue and does not have an easement. Public Works desires a 20' public utility easement for this drainage. This may require moving the building west slightly. If the developer pipes the drainage, then Public Works would be willing to consider a narrower easement on the east side.

Per the Staff Engineers comments, there is a local unnamed stormwater creek channel that runs along the east and north lines of the property toward 23rd Avenue. Most but not all the channel is on the two adjacent properties. It has an upstream source near 27th Avenue and 28th Avenue. On the Sweet Home Local Wetland Inventory, the channel is designated CC-1. CC-1 (Cotton Creek – the first upper reach of the drainage) refers to the LWI Wetland Characterization Sheets that indicate Dominant Wetland Vegetation, Soils, Location, Hydrologic Basin and other information of the channel. Staff recommends that the creek channel be cleared of debris as needed

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

C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter [SHMC 17.80.040(C)].

Staff Findings: The applicant is proposing a two-bedroom, two-bathroom multi-family apartment complex consisting of nine units and 18 onsite parking spaces. Per the public works comments, sidewalk development on the 23rd Avenue cul-de-sac will be required upon development. There is a drainage ditch on the east and north sides of the property that conveys runoff from Mountain View Road to 23rd Avenue and does not have an easement. Public Works desires a 20' public utility easement for this drainage. This may require moving the building west slightly. If the developer pipes the drainage, then Public Works would be willing to consider a narrower easement on the east side. Per the Staff Engineers comments, the development appears to cover most of the properties, the creek channel will need to be adjusted and accommodated. There is a local unnamed stormwater creek channel that runs along the east and north lines of the property toward 23rd Avenue. Most but not all the channel is on the two adjacent properties. It has an upstream source near 27th Avenue and 28th Avenue. On the Sweet Home Local Wetland Inventory, the channel is designated CC-1. CC-1 (Cotton Creek – the first upper reach of the drainage) refers to the LWI Wetland Characterization Sheets that indicate Dominant Wetland Vegetation, Soils, Location, Hydrologic Basin and other information of the channel. The owner of the next-door apartment complex would like reassurance that the channel flow will be maintained, cleared of brush and any debris that accumulates. Staff recommends that the creek channel be cleared of debris as needed

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

D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use [SHMC 17.80.040(D)].

Staff Findings: Per the staff engineers' comments, water and sanitary sewer services are available in 23rd Avenue. Service connections have been extended to the property by the previous owner. The street access is to 23rd Avenue. An access driveway and sidewalks will be required at the end of the street. Per the public works comments, sidewalk development on the 23rd Avenue cul-de-sac will be required upon development.

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

E. Home occupations must meet the following standards:

- 1. The home occupation shall be secondary to the residential use [SHMC 17.80.040(E)(1)].**

Staff Findings: The applicant is not proposing a home occupation.

- 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building [SHMC 17.80.040(E)(2)].**

Staff Findings: The applicant is not proposing a home occupation.

- 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors [SHMC 17.80.040(E)(3)].**

Staff Findings: The applicant has not indicated the proposed use is detrimental to residential use of the dwelling or nearby dwellings.

The application complies with this criterion.

- 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic [SHMC 17.80.040(E)(4)].**

Staff Findings: The applicant is not proposing a home occupation

- F. In approving a conditional use permit application, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this chapter, additional conditions determined to be necessary to assure that the proposed development meets the decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole. [SHMC 17.80.050]**

- 1. These conditions may include, but are not limited to, the following:**
 - a) Requiring larger setback areas, lot area, and/or lot depth or width;**
 - b) Limiting the hours, days, place and/or manner of operation;**
 - c) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;**
 - d) Limiting the building height, size or lot coverage, or location on the site;**
 - e) Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;**
 - f) Increasing the number of required parking spaces;**
 - g) Requiring street right-of-ways to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;**

- h) Limiting the number, size, location, height and lighting of signs;
- i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- j) Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;
- k) Designating sites for open space or outdoor recreation areas;
- l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;
- m) Requiring ongoing maintenance of buildings and grounds;
- n) Setting a time limit for which the conditional use is approved. [SHMC 17.80.050(A)]

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

If this application is approved, staff recommends the Planning Commission impose a Conditional of Approval to address the stormwater runoff addressed in the Staff Engineers comments and a Conditional of Approval to address the utility easement addressed in the Public Works comments.

G. A conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established within that time period. [SHMC 17.80.070]

Staff Findings: As required under this section, the conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. As stated in the SHMC, the City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. CONCLUSION AND RECOMMENDATION

If the Planning Commission approves this application, staff recommends that the conditions of approval listed below be required in order to ensure that the application is consistent with the findings in the Review and Decision Criteria (Section III) and as required by the Sweet Home Municipal Code and other provisions of law. Appeals to the Land Use Boards of Appeals (LUBA) may only be based on Review and Decision Criteria listed above.

Recommended Conditions If the Application is Approved:

1. The construction and use of the multi-family dwelling will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. The applicant shall develop the 23rd Avenue access driveway and sidewalks upon development of the apartments.

3. The applicant shall work with the City of Sweet Home to create a maintenance plan to keep the creek channel cleared of debris and create a public utility easement to accommodate the stormwater drainage and maintenance. The applicant will comply with all applicable State and City requirements for the stormwater drainage and wetland mitigation.
4. The applicant shall provide a lighting plan acceptable to the Sweet Home Municipal Code requirements of 17.44.090.
5. The applicant shall obtain and comply with all other applicable local, state, and federal permits and requirements.

V. PLANNING COMMISSION ACTION

In taking action on a Conditional Use Permit, the Planning commission will hold a public Hearing at which it may either approve or deny the application(s). If the application is denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV

Appeal Period: Staff's recommends that the Planning Commission's decision on this matter be subject to a 12-day appeal period from the date that the notice of decision is mailed.

Order: After the Planning Commission makes a decision, staff recommends that the Planning Commission direct staff to prepare an order that is signed by the Chairperson of the Planning Commission. The Order would memorialize the decision and provide the official list of conditions (if any) that apply to the approval; if the application is approved.

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

1. Move to approve application CU20-05; which includes: adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU20-05; which includes: adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
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 Plan
- C. Public Comments
- D. Application
- E. Wetland Land Use Notification Response
- F. Application ZMA20-02 and Application PLA20-02 *for reference only*

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 8:00 AM and 5:00 PM, Monday through Friday, excluding holidays.

ATTACHMENT A



1 inch = 85 feet

Subject Property Map
CU20-05
13S01E32CA, Lots 4735 & 4700

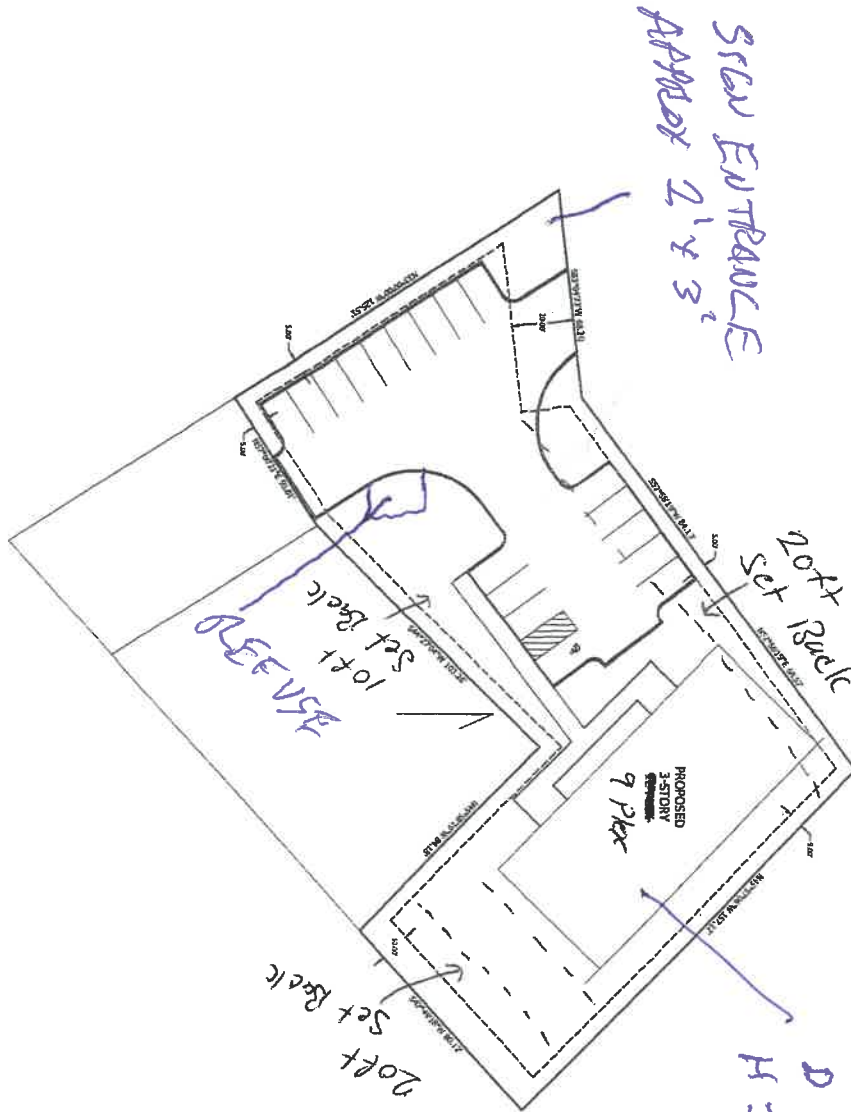
Date: 8/7/2018

ATTACHMENT B

Revised Set Backs

9 plex To shift over To meet set back Code.

JM Bradford



BUILDING DIMENSIONS
APPROXIMATE
W = 82'
D = 45' 2"
H = 36'



PLAN REVISIONS	DATE

Scale: SEE ARCHITECT
C100

REVIEW COPY
NOT FOR
CONSTRUCTION

DATE: MARCH 28, 2025 PROJECT: BRADFORD MULTI-FAMILY DEVELOPMENT DRAWN BY: JIM BRADFORD CHECKED BY: JIM BRADFORD APP: JIM BRADFORD	SITE PLAN BRADFORD MULTI-FAMILY DEVELOPMENT SWEET HOME, OREGON	UEL ENGINEERING AND LAND SURVEYING, LLC 63 EAST ASH ST. LEBANON, OREGON 97355 (541) 451-5125 PHL (541) 451-1366 FAX	CLIENT: CLIENT ADDRESS CITY, STATE PHONE/EMAIL
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ATTACHMENT C

From: [Scott Walker](#)
To: [Angela Clegg](#)
Subject: File No. CU20-05
Date: Tuesday, September 22, 2020 6:50:43 PM

To the City of Sweet Home.

Re:933 23rd.

These two parcels are a wet land during winter, the creek begins at our home driveway 1006 Mountain View and the creek flows into the subject parcels which act as a percolation area. More on this. when the apartments next door we built blocked off the creek that flows through there before they built the apartments.

This wetland explains why a small bulldozer got stuck in the mud there last winter. Applicant has failed to address this matter. We have a water well and so do neighbors and the water table may be negatively affected. The destruction of such wetlands destroy habitats for breeding grounds of many animals, birds etc.

Just because there are apartments nearby and failed to address the blockage of the natural flow of the creek does not justify building this larger apartments.

More apartments mean more traffic for this residential neighborhood. Single family residences dominate this area that is why this should be rezoned to a wet land. What about the other 3rd parcel

3 level apartments are out of character anywhere in Sweet Home. Here in this part of Sweet Home you will find mostly single family residences. Some on one acre or more.

Scott Walker
1006 Mountain View Rd.
Sweet Home, OR 97386

Gary C. Pritchard
3854 San Juan Canyon Rd.
San Juan Bautista, CA 95045
Ph: 831-623-4577
Email: pritchhorse@aol.com

City of Sweet Home
c/o Angela Clegg, Associate Planner
1140 12th Avenue
Sweet Home, OR 97388

October 20, 2020

RE: Comments to Notice of Public Hearing File#CU20-05

Dear Ms. Clegg & staff,

I want to first thank you for returning my call so promptly and listening to my concern regarding Seven Star Investments and the development project located at address 933 23rd Ave/980 Mountain View Rd, Sweet Home, OR 97386, identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 & 4735. As we discussed in our telephone conversation on October 19th, I do want to reiterate my ongoing concerns with the impact of the development taking place. First and foremost, I want you to know that I'm not against this development. The community and City of Sweet Home will benefit from this extra housing space, but I do want you and council to take into great consideration the impact on the existing properties connected and surrounding this new proposed project.

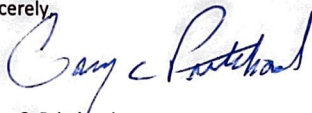
Here are my issues/concerns:

1. The present drainage issues created by the proposed development property which I addressed in my letter to you on October 4, 2018 (copy enclosed)
2. The impact of extra traffic & safety concerns, 23rd Avenue which is presently is a cul-de-sac will now be a through road for access to the development. It's important to note that the foot and bicycle traffic to and from the Highschool located in close proximity is a concern with the extra traffic that will be created utilizing 23rd Ave for access.
3. Presently nearby residents are utilizing 23rd Ave for parking and visitor parking because there is limited space in many of the resident's homes due to the nature and size of their lots. Many of these homes are older properties which typically relied on street parking for overflow. This parking does not refer to vehicle storage, but daily use and visitor parking. In the event 23rd Ave was made a red zone for no parking; this would impact many residents in the area and they would have no space for parking.

In closing, I would like to once again express that I see the value in this new development for the community. As an owner of an apartment building, I understand the demand and need for housing. I just can foresee the challenges that will arise in the event the noted impacts and concerns are not taken into consideration and addressed with some solution. I'm not concerned solely about myself and my property, but speaking on behalf of many of the surrounding residents.

I would like to continue to be informed and receive all documents related to the progress of the proposed development. I'm willing to pay any reasonable cost to receive the information. I would like any correspondence mailed to my address at 3854 San Juan Canyon Rd., San Juan Bautista, CA 95045,

Sincerely,



Gary C. Pritchard

October 4, 2018

Gary C. Pritchard
3854 San Juan Canyon Rd.
San Juan Bautista, CA 95045
Ph: 831-623-4577 Email: pritchhorse@aol.com

City of Sweet Home
c/o Angela Clegg, Associate Planner
1140 12th Avenue
Sweet Home, OR 97388

RE: Response to Notice of Public Hearing for File #P18-05

Dear Ms. Clegg & staff,

This is my response in regard to the proposed hearing for the development (File #P18-05) commonly known as 980 Mountain View Rd., Sweet Home, OR 97388; identified on Linn County's assessors map as 13S01E32CA Tax Lot 4734. I have owned the property at 953 23rd Ave, Sweet Home, OR 97388 for 13 years. The property consists of an eight-plex apartment building that borders the property in question, located at 980 Mountain View Rd. In my tenure of ownership, I have experienced consistent drainage problems due to the wetland area location of the proposed development and insufficient existing drainage. This silt from the property location of the proposed development continually fills in the existing drainage which then flows to the drop inlet city storm drain, then gets covered/clogged with silt, leaves and debris. This causes the water to back up in the ditch which erodes and affects the integrity of my driveway and property. The City of Sweet Home continually, as well as myself have to dig out a massive amount of silt and debris in order clear the drop inlet, to allow the water to flow into the storm drain and not back up into the ditch. The City of Sweet Home has even used a backhoe several times in order to clear the silt and debris. In the past years the property owner(s) of the proposed development have negatively impacted the existing drainage because there have not been any precautionary efforts during their construction to protect the drainage during work such as tree removal, brush removal and construction with the moving of ground. In summary, I believe it is the responsibility of the City of Sweet Home to require the developer to correct the existing ongoing drainage problem. Obviously, in the future developments, there will be hard surfaces/roofs which will contribute to even more runoff into a drainage system that already is inadequate to handle to run off as it exists.

Please understand that I'm not against the proposed development of the property question, but I'm adamant in protecting my investment and trying to relieve an ongoing maintenance problem for myself and the City of Sweet Home, eliminating the nuisance of the silt and debris along my parking lot, erosion of my property and affecting the integrity of the city storm drain. This drainage should be corrected before any future development takes place.

I would like to be informed and receive all documents of the progress of the hearing. I'm willing to pay any reasonable cost to receive the information. I would like any correspondence mailed to my address at 3854 San Juan Canyon Rd., San Juan Bautista, CA 95045.

Sincerely,



Gary C. Pritchard

ATTACHMENT D

**City of Sweet Home**

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

Application for a Conditional Use Permit

Date Received: 08.26.20
Date Complete: 09.16.20
File Number: CU 20-05
Application Fee \$: 615.00
Receipt #: 4054
Hearing Date: 10.5.20

Applicant's Name:

SEVEN STAR INVESTMENTS

Applicant's Address:

541-570-2278 JIM BRADFORD7@GMAIL

Applicant's Phone and e-mail:

933 23RD AVE

Subject Property Address:

13501 E 32 CA TAX LOT 4700 + 4735

Subject Property Assessor's Map and Tax Lot:

26,552 .61 ACRES

Subject Property Size:

R3

Subject Property: Zoning Classification

Property Owner:

JIM BRADFORD

Owner's Address:

1625 CASCADE DR. LEEDSVILLE

Owner's Phone and email:

541-570-2278 JIM BRADFORD7@GMAILR3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3R3**Nature of Applicants Request**

Narrative describing the proposed use: Brief Description on this form and attach extra sheets if needed.

9 ALEX APT 1 BUILDING

Impacts on the neighborhood: Include traffic, parking, noise, odor, dust or other impacts. Brief Description on this form.

ACCESS FROM 23RD AVE AND IRONWOOD BOTH TO MITIGATE TRAFFIC, PARKING ON SITE 2 PER UNIT**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:

08/24/2020

Property Owner's Signature:

[Signature]

Date:

08/24/2020

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.

SHMC 17.80.030 APPLICATION REQUIREMENTS

An application for a Conditional Use must meet the submittal requirements and the decision criteria noted below.

- ☒ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- ☒ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- ☒ 3. For commercial activities, a proposed plan of business operation;
- ☒ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- ☒ 5. The location and dimensions of entrances and exits;
- ☒ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- ☒ 7. Landscape plans;
- ☒ 8. A signage plan, if applicable;
- ☒ 9. Drawings of the exterior for new buildings;
- ☒ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

- ☒ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- ☒ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - ☒ 1. Building size
 - ☒ 2. Parking
 - ☒ 3. Traffic
 - ☒ 4. Noise
 - ☒ 5. Vibration
 - ☒ 6. Exhaust and emissions
 - ☒ 7. Light and glare
 - ☒ 8. Erosion
 - ☒ 9. Odor
 - ☒ 10. Dust
 - ☒ 11. Visibility
 - ☒ 12. Safety
 - ☒ 13. Building, landscaping or street features
- ☒ C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
- ☒ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- ☒ E. Home occupations must meet the following standards:
 - ☒ 1. The home occupation shall be secondary to the residential use.
 - ☒ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
 - ☒ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
 - ☒ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic
- ☐ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- ☐ G. Marijuana facilities may not have any drive-up services.
- ☐ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- ☐ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

Conditional use narrative for city of Sweet Home

Mountain View Apartments

08/25/2020

Property address 933 23rd Ave

We are seeking a conditional use permit for two bedrooms two bath multifamily apartment units consisting of 9 units total and 18 onsite parking spaces.

Since this development is at the end of the cul-de-sac there is no through traffic. Therefore no major increase in traffic affecting 23rd Ave. Complex is Close to schools, shopping, churches and public transportation assisting persons without reliable transportation to have access all close amenities.

Drainage will be improved by the installation of approved on site catch basins and storm water connections addressing, preventing any drainage, erosion and or storm water issues.

Apartment complex will have proper exterior and entryway lighting providing more than adequate lighting for safety.

First floor units will be built for ADA compatibility to accommodate persons with disabilities.

Apartment complex will be professionally landscaped in front and rear of building.

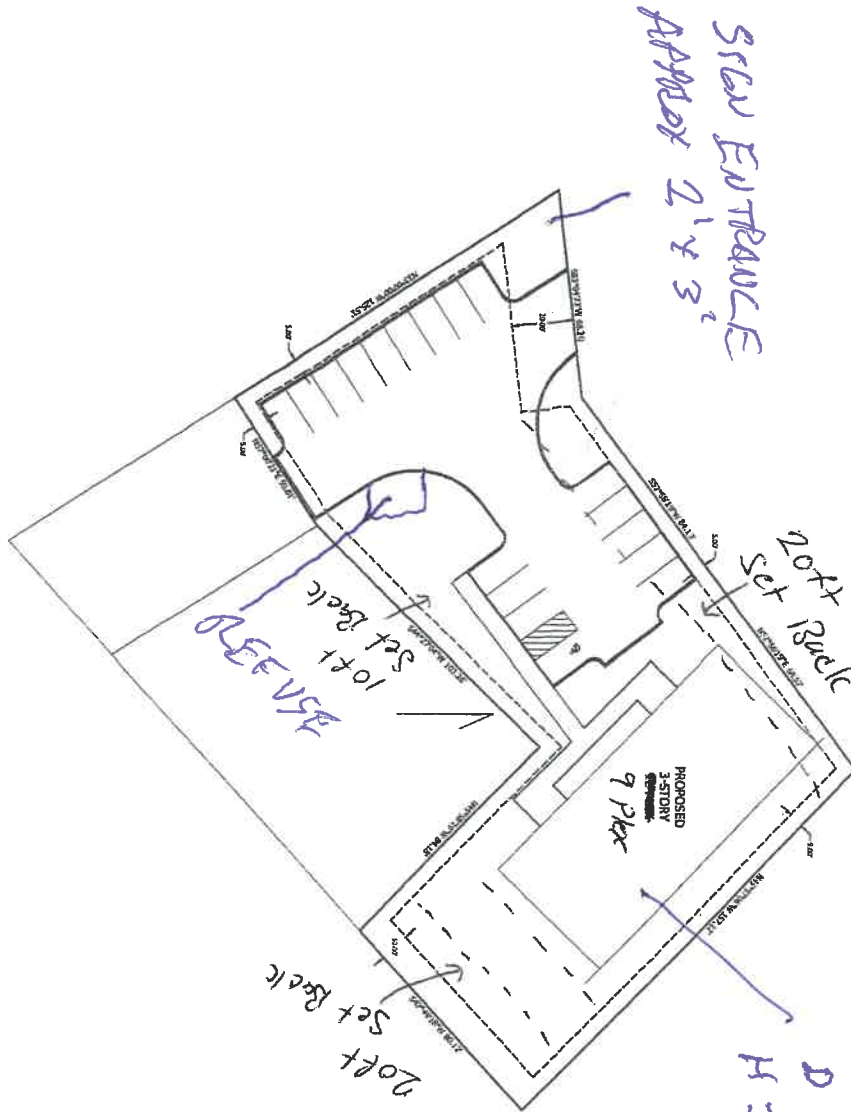
Parking lot will be paved and parking stalls will be clearly marked therefore controlling any dust or vibration from light vehicle traffic.

Garbage enclosure with have proper trash bin and recycle bins helping to minimize any unsightliness.

All residents will be expected to sign contract and follow all apartment rules, regulations including safety, noise, and garbage.

JM Bradford

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



BUILDING DIMENSIONS
 APPROXIMATE
 W = 82'
 D = 45' 2"
 H = 36'



PLAN REVISIONS	DATE

Scale: SEE ARCHITECT
 C100

REVIEW COPY
 NOT FOR
 CONSTRUCTION

DATE: MARCH 28, 2005
 PROJECT: BRADFORD
 DRAWN BY: JMB
 CHECKED BY: JMB

SITE PLAN
 BRADFORD
 MULTI-FAMILY DEVELOPMENT
 SWEET HOME, OREGON

UEL ENGINEERING
 AND
 LAND SURVEYING, LLC
 63 EAST ASH ST.
 LEBANON, OREGON 97355
 (541) 451-5125 PHL
 (541) 451-1366 FAX

CLIENT:
 CLIENT
 ADDRESS
 CITY, STATE
 PHONE/EMAIL





Wetland Land Use Notice Response

ATTACHMENT E

Response Page

Department of State Lands (DSL) WN#*

WN2020-0390

Responsible Jurisdiction

Staff Contact

Angela Clegg

Jurisdiction Type

City

Municipality

Sweet Home

Local case file #

ZMA20-02 and PLA20-02

County

Linn

Activity Location

Township

13S

Range

01E

Section

32

QQ section

CA

Tax Lot(s)

4700,4735

Street Address

933 23rd Avenue

Address Line 2

City

Sweet Home

Postal / Zip Code

97386

State / Province / Region

OR

Country

Linn

Latitude

44.395418

Longitude

-122.715843

Wetland/Waterway/Other Water Features

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

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

Your Activity

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

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

Applicable Oregon Removal-Fill Permit Requirement(s)

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

Closing Information

Additional Comments

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

This is a preliminary jurisdictional determination and is advisory only.

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

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

Contact Information

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

Response Date

6/30/2020

Response by:

Grey Wolf

Response Phone:

503-986-5321

ATTACHMENT F



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

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

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The applicant is proposing to change the Zoning Map in an area consisting of approximately 26,552 square feet (0.61 acre) located on the Linn County Assessor's Map 32CA, tax lots 4735 and 4700, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission held a public hearing on July 6, 2020 and made a recommendation to the City Council. The City Council will hold a public hearing on July 28, 2020 and decide on this application.

APPLICANT: Jim Bradford

PROPERTY OWNER: Seven Star Investments

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

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

FILE NUMBER: ZMA20-02

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

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application ZMA20-02. The Planning Commission received testimony and deliberated on this matter at their July 6, 2020 meeting and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the July 6, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the July 6, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order
- III. **DECISION: Approved** the motion to recommend the application to City Council on July 28, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that

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

PLANNING COMMISSION DECISION: July 6, 2020

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

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



Jeffery Parker, Planning Commission Chair

7/13/2020

Date



Blair Larsen, Community and Economic Development Director

7/13/2020

Date

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for ZMA20-01

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]

- 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - a. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
 - b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
 - c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home

Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

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

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

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

Based on the findings above the proposed zoning plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

- 2. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]**

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

The application complies with this criterion.

- 3. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]**

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

The application complies with this criterion.

- 4. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]**

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

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
 - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b. Change standards implementing a functional classification system; or**
 - c. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - i. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - ii. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
 - iii. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]**

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

The application complies with this criterion.



Community and Economic Development Department

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

NOTICE OF DECISION ON A LAND USE APPLICATION

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

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

APPLICANT: Jim Bradford

OWNER (PARCEL 1): Seven Star Investments

OWNER (PARCEL 2): Seven Star Investments

FILE NUMBER: PLA20-02

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

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

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

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

DATE MAILED: July 28, 2020

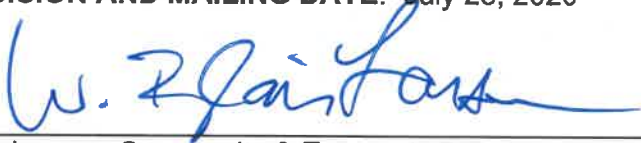
DECISION

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

Conditions of Approval:

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

DECISION AND MAILING DATE: July 28, 2020



Blair Larsen, Community & Economic Development Director

7/28/2020
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than August 10th, 2020 at 5:00 PM (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and a copy will be provided at reasonable cost. Please contact the Community and Economic Development Department at 3225 Main Street, Sweet Home, OR 97386; Phone: (541) 367-8113.

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

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

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

APPLICANT: Jim Bradford

OWNER (PARCEL 1): Seven Star Investments

OWNER (PARCEL 2): Seven Star Investments

FILE NUMBER: PLA20-02

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

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

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

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

I. PROPERTY DESCRIPTION

Zoning Map and Comprehensive Plan Map Designations

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

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

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

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

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

II. COMMENTS RECEIVED

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

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

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

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

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

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

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

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

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

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

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

Public Comments: See Attachment C

III. REVIEW CRITERIA AND FINDINGS OF FACT

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

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

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

The application complies with this criterion.

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

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

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

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

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

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

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

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

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

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

The application complies with these criteria.

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

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

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

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

The application complies with this criterion

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

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

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

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

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

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

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

The application complies with this criterion

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

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

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

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

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

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

With the above condition the application complies with these criteria.

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

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

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

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

IV. CONCLUSION

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

Conditions of Approval:

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

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

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

V. Attachments:

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



1 inch = 85 feet

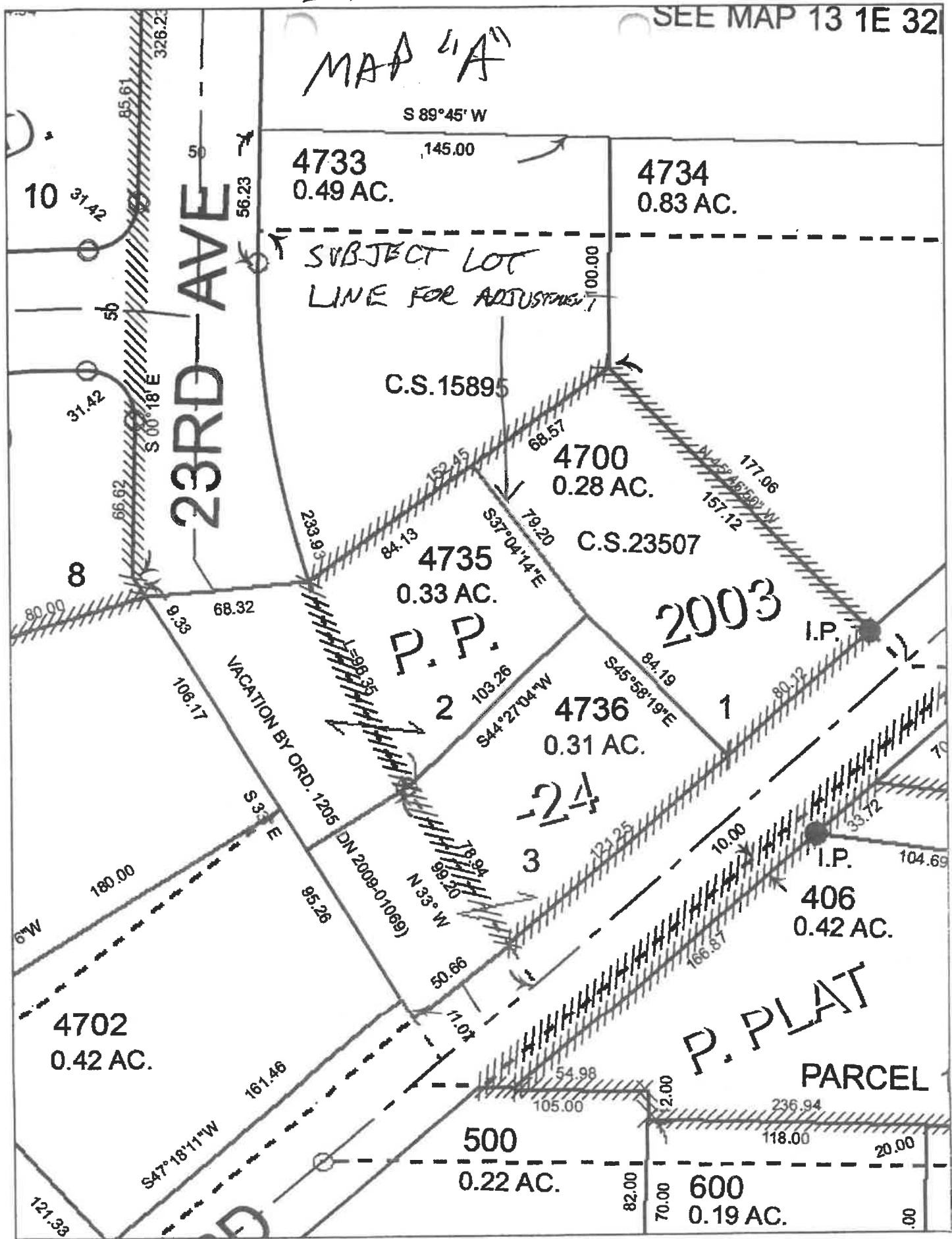
Subject Property Map
PLA20-02 and ZMA20-02
13S01E32CA, Lots 4735 & 4700

Date: 8/7/2018

26121116 5a 1

SEE MAP 13 1E 32

MAP "A"



20121118 341

SEE MAP 13 1E 32

MAP "B"

S 89°45' W

4733
0.49 AC.

145.00

4734
0.83 AC.

PROPOSED LOT
LINE ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S. 23507

4735
0.33 AC.

P.P.

2003

4736
0.31 AC.

24

3

406
0.42 AC.

P. PLAT

PARCEL

500
0.22 AC.

600
0.19 AC.

23RD AVE

10

31.42

8

80.00

9.33

68.32

106.17

VACATION BY ORD. 1205

S 33° E

180.00

4702
0.42 AC.

161.46

S 47° 18' 11" W

121.33

233.93

84.13

152.45

S 37° 04' 14" E

79.20

S 44° 27' 04" W

103.28

N 33° W

99.20

50.66

11.01

54.98

105.00

82.00

70.00

236.94

118.00

20.00

80

100.00

68.57

N 42° 56' 58" W

177.06

157.12

I.P.

80.12

I.P.

33.12

104.69

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

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

June 18, 2020

Re: File Number PLA20-02

Dear Ms. Clegg,

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

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

Thank you,

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

William A Danning



Wetland Land Use Notice Response

Response Page

Department of State Lands (DSL) WN# *

WN2020-0390

Responsible Jurisdiction

Staff Contact

Angela Clegg

Jurisdiction Type

City

Municipality

Sweet Home

Local case file #

ZMA20-02 and PLA20-02

County

Linn

Activity Location

Township

13S

Range

01E

Section

32

QQ section

CA

Tax Lot(s)

4700,4735

Street Address

933 23rd Avenue

Address Line 2

City

Sweet Home

Postal / Zip Code

97386

State / Province / Region

OR

Country

Linn

Latitude

44.395418

Longitude

-122.715843

Wetland/Waterway/Other Water Features

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

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

Your Activity

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

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

Applicable Oregon Removal-Fill Permit Requirement(s)

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

Closing Information

Additional Comments

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

This is a preliminary jurisdictional determination and is advisory only.

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

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

Contact Information

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

Response Date

6/30/2020

Response by:

Grey Wolf

Response Phone:

503-986-5321

Property Line Adjustment Application Form 2/7/18

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

Community and Economic Development Department
www.sweethomeor.gov

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

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

Application Fee \$: \$160.00/\$200.00 \$160.00 ~~200~~ 80.00 Receipt #: 3947 Applicant's Name:

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

the City Planner will make a determination of

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

Property A Property B Owner's Name: jim

bradford

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

Cascade dr Lebanon

Owner's Address: _____ Owner's Phone and

e-mail: 541-570-2278

TWOBROTHERSCONSTRUCT@GMAIL.COM

Owner's Phone and email: _____ Property

Address: _____

Property Address: 933 23RD AVE.

Assessor's Map and Tax Lot: LOT

4735+4700

Assessor's Map and Tax Lot: _____ Property

Size Before: LOT 4735 .33AC

Property Size After: .61 AC

Property Size Before: LOT 4700 .28AC

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

Classification R1 COMP PLAN IS R2 APP FOR

R3

Zoning Classification: _____

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

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: _____

Date: 6-1-2020

Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____ Property Owner's Signature: _____

Date: _____

SHMC 16.32.030 APPLICATION REQUIREMENTS

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

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

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

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

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

boundaries. **SHMC 16.32.020 PROPERTY LINE ADJUSTMENT**

CRITERIA.

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

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

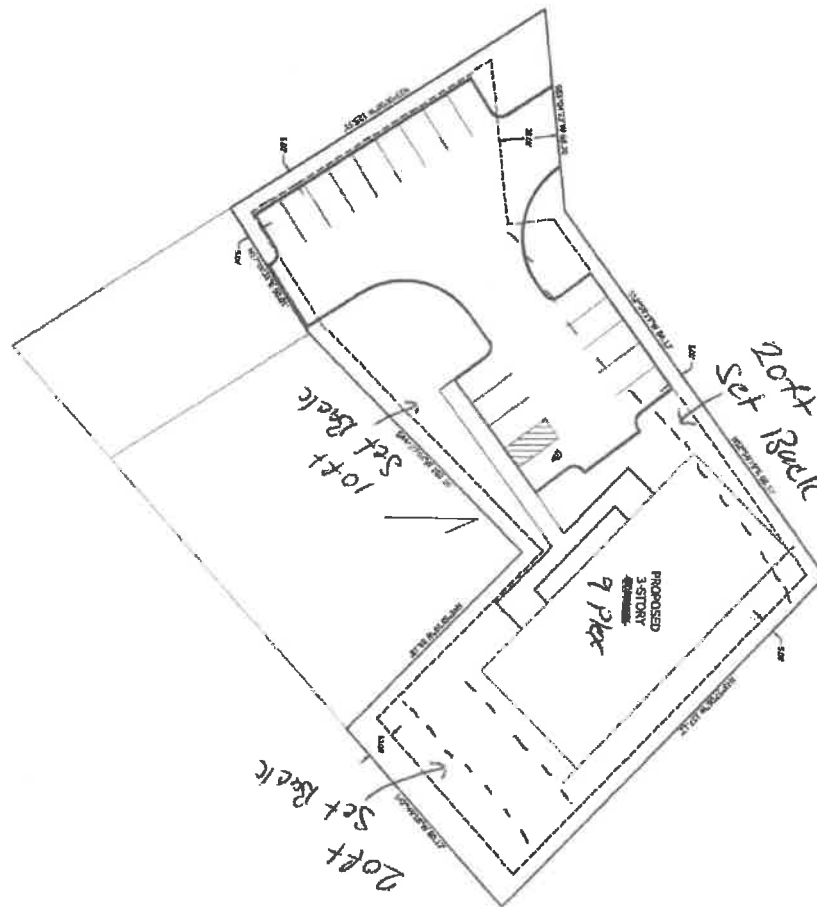
requirements or conditions imposed on the

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

Property Line Adjustment Application Form
2/7/18

JM BEASLEY

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



NAME	DATE

SCALE: SEE SCHEDULE
SHEET C100

REVIEW COPY
NOT FOR
CONSTRUCTION

DATE:
APPROVED:
PROJECT:
DRAWN BY:
CHECKED BY:
BY:

SITE PLAN
BRADFORD
MULTI-FAMILY DEVELOPMENT
SWEET HOME, OREGON

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

CLIENT:
CLIENT
ADDRESS
CITY, STATE
PHONE/EMAIL



For Application
PLA 20-02

6/03/2020

Property location 933 23rd Ave Sweet Home Or

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

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

SEE MAP 13 1E 32

MAD "A"

S 89°45' W

4733
0.49 AC.

4734
0.83 AC.

SUBJECT LOT
LINE FOR ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S.23507

4735
0.33 AC.

P.P.

2003

4736
0.31 AC.

-24-

406
0.42 AC

4702
0.42 AC.

500

0.22 AC.

P. PLAT
PARCEL

600
0.19 AC.

SEE MAP 13 1E 32

MAP "B"

S 89°45' W

4733
0.49 AC.

4734
0.83 AC.

PROPOSED LOT
LINE ADJUSTMENT

C.S. 15895

4700
0.28 AC.

C.S.23507

4735
0.33 AC.

P. P.

2003

4736
0.31 AC.

-24-

3

406
0.42 AC.

P. PLAT

PARCEL

500

0.22 AC.

600
0.19 AC.

10 37.42

31.42

8

4702
0.42 AC.

23RD AVE

VACATION BY ORD. 1205
S 33° E
95.26

161.48
S47°18'11"W

500

600

20.00

88

ORDINANCE BILL NO. 11 FOR 2020

ORDINANCE NO.1291

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP

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

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on July 6, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their July 6, 2020 meeting, and recommended that the City Council approve application ZMA20-02; and

WHEREAS, the City Council held a public hearing on this matter on July 28, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their July 28, 2020 meeting; and

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

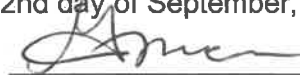
Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA20-02 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.20.020 as the City Zoning Map including all subsequent amendments, for the an area consisting of 0.61 acres located at the south end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386.; and identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735. The Official Zoning Map shall be amended from the Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this 22nd day of September, 2020.

 9-22-2020

Mayor

ATTEST:

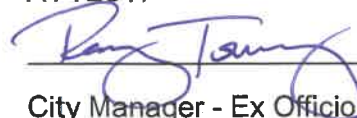
 23 SEPT 2020
City Manager - Ex Officio City Recorder

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

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

Exhibit A to Order of Approval for ZMA20-02

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]

- 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - a. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
 - b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
 - c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

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

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

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

Based on the findings above the proposed zoning plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

- 2. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]**

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

The application complies with this criterion.

- 3. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]**

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

The application complies with this criterion.

- 4. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]**

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

- 5. OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
 - a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
 - b. Change standards implementing a functional classification system; or**
 - c. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
 - i. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
 - ii. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

- iii. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]**

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

The application complies with this criterion.



1 inch = 85 feet

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