



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

July 06, 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.

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## 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: June 1, 2020

## Public Hearings

**File ZMA20-02:** 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 will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and decide on this application.

**File AX ZC20-01:** This is an application to annex an approximately 39,005 square foot (0.71-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

## Staff Updates on Planning Projects:

### Development Code Updates

### Pending Applications

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

**Planning Commissioner Comments:** This is an opportunity for Planning Commissioners to address topics that are not listed on the agenda.

## **Adjournment**

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.



# CITY OF SWEET HOME PLANNING COMMISSION MINUTES

June 01, 2020, 6:30 PM  
Sweet Home City Hall, 3225 Main Street  
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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## Roll Call of Commissioners

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

**Staff:** Blair Larsen, CEDD Director; Angela Clegg, Associate Planner

## Visitors:

Roger Emmert, 43578 Wiley Creek Drive, Sweet Home, OR 97386  
Carl Long, 5200 Nandina Street, Sweet Home, OR 97386

## Public Comment.

None

## Meeting Minutes: May 4, 2020

**Commissioners Comments:** Commissioner Journey, page 2 correct Commission Journey's name.

**Commissioner Wolthuis** moved to approve the May 4, 2020 meeting minutes with changes.

**Commissioner Journey** seconded the motion to approve the meeting minutes with changes

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

**Question was called by roll call vote:**

Commissioner Wolthuis: Aye  
Commissioner Gatchell: Aye  
Commissioner Journey: Aye  
Commissioner Unger: Aye

Motion Passed ( 4 ) Ayes to ( 0 ) Nays, ( 3 ) Absent

**Public Hearings**

**File VR20-01:** The applicant is seeking a variance to allow a length to width ratio greater than 2.5:1 required in SHMC 16.12.030 (D). The western portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment C). The proposed configuration has an average width of 120-feet with a total average length of 400 feet or less. This configuration would have an average length to width ratio of 3.66:1. When the unbuildable area is overlaid, the average length would reduce by 300 feet or less and thus would be in the 2.5:1 ratio. Per Application ZMA 19-03 and Ordinance No. 1284, approved by the Sweet Home City Council on April 14, 2020, the properties are in the Residential Low Density (R-1) Zone.

**PUBLIC HEARING OPENED AT 6:33 PM**

Vice Chairman Gatchell 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:**

Associate Planner Clegg summarized the staff report.

Commissioner Gatchell asked if the application met the criteria and minimum variance. Clegg and CEDD Director Larsen explained the reasons the application met the variance and minimum variance criteria.

Commissioner Journey asked about language in the statement “The applicant has expressed their desire to leave the significant wetland/riparian corridor in its natural state.” Journey was concerned about it being a legal statement. Larsen explained that the statement was acceptable being as it was a statement provided by the applicant.

**Testimony in Favor:** None  
**Testimony in Opposition:** None  
**Neutral Testimony:** Carl Long, asked if the 100-yr floodplain map was current. Larsen and explained that it was. Clegg informed Long that FEMA recently updated their maps.  
**Rebuttal:** Emmert showed the Commission a picture of the property during the 1964 flood.

**PUBLIC HEARING CLOSED AT 7:00 PM**

### **Commissioners Discussion:**

Commissioner Journey stated that she voiced her concerns and believes the applicant should be able to use property.

Commissioner Unger agrees with Commissioner Journey.

Commissioner Wolthuis feels the proposal is a good one and believes the applicant has gone above and beyond. Wolthuis is in favor of approving.

Commissioner Gatchell concurs with the other Commissioners.

**Commissioner Journey** moved to approve application VR20-01 and thereby permit the Variance; adopting the findings of fact listed in Section III 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 Wolthuis** seconded the motion to approve.

### **Question was called by roll call vote:**

Commissioner Wolthuis: Aye  
Commissioner Gatchell: Aye  
Commissioner Journey: Aye  
Commissioner Unger: Aye

Motion Passed ( 4 ) Ayes to ( 0 ) Nays, ( 3 ) Absent

### **Staff Updates on Planning Projects:**

Commissioner Wolthuis has a discussion with staff on variance decisions being made administratively if they meet all the criteria. CEDD Director Larsen stated that there would have to be very precise criteria in the code to allow that, and our current code does not allow a variance to be made administratively.

### **Economic Development Updates**

CEDD Director Larsen gave an update to the Commissioners regarding the programs to help local businesses during the COVID-19 pandemic. Larsen gave examples of different local scenarios.

### **Development Code Update**

Associate Planner Clegg gave a brief update regarding the code update drafts provided by Walt Wendolowski. She informed the Commissioners that she is currently reviewing the drafts.

### **COVID-19 and Opening Up the City**

CEDD Director Larsen gave a brief update on the opening roll out and what is expected during the current stage and what is proposed for the next stage.

### **Pending Applications**

Associate Planner Clegg informed the Commissioners with the passing of VR20-01 she can now proceed with completing application PLA19-12 and P 19-13.

A map amendment and property Line adjustment application was turned in and may be on the July Planning Commission Agenda.

## **Adjournment 7:25**

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

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## Planning Commission Staff Report

**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 will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and decide on this application.

**APPLICANT:** Jim Bradford

**PROPERTY OWNER:** Seven Star Investments

**PROPERTY LOCATION:** South end of 23<sup>rd</sup> 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

### PLANNING COMMISSION PUBLIC HEARING:

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

### CITY COUNCIL PUBLIC HEARING:

- **DATE & TIME:** July 28, 2020 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

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

**REPORT DATE:** June 29, 2020





## II. COMMENTS

Public Works

Trish Rice: PW has no concerns with the requested zone change at this time.

Permit Technician

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

Staff Engineer

Joe Graybill:

Project & Location: This Zone Change for the property at the south end of 23<sup>rd</sup> Ave off Long St will create a through-lot connecting with Mountain View Road between 22<sup>nd</sup> Ave and Juniper St. Access is planned from 23<sup>rd</sup> Ave.

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

Comments & Recommendations: Upon development, City recommends connection services off 23<sup>rd</sup> Ave, utilities are fairly deep in the Mtn View Road ROW. 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 Zone Change.

Fire Department:

No comments as of the issue of this Staff Report.

Public Comment:

See Attachment C

## III. REVIEW AND DESIGN CRITERIA

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

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

1. **The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
  - a. **The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
  - b. **The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different**

**symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home.** [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

- c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

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

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

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

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

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

- d. Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
- i. To accurately reflect changes in the community.**
  - ii. To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]

- g. **Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
  - i. **There is a need for the proposed change;**
  - ii. **The identified need can best be served by granting the change requested;**
  - iii. **The proposed change complies with the Statewide Planning Goals; and,**
  - iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]
- i. **High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

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 23<sup>rd</sup> Avenue and Mountain View Road. The subject property has frontage along 23<sup>rd</sup> 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 23<sup>rd</sup> Avenue. 23<sup>rd</sup> 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.

#### **IV. CONCLUSION AND RECOMMENDATION**

Based on the findings listed in Section III of this report, staff recommends that the Planning Commission recommend that the City Council approve this application. Since the request is for a zone change, staff has not recommended any conditions of approval.

#### **V. PLANNING COMMISSION ACTION**

In acting on a zone change application; the Planning Commission will hold a public hearing at which it may either recommend that the City Council approve or deny the application(s). The recommendation should be based on the applicable review and decision criteria. The City Council will hold a public hearing and decide on this application.

Motion:

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

1. Move to recommend that the City Council approve application ZMA 20-02; which includes: adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 20-02 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

**VI. ATTACHMENTS**

- A. Subject Property Map
- B. Site Map
- C. Public Comments
- D. Zoning Map
- E. Comprehensive Plan Map
- F. Planning Application Form

ATTACHMENT A



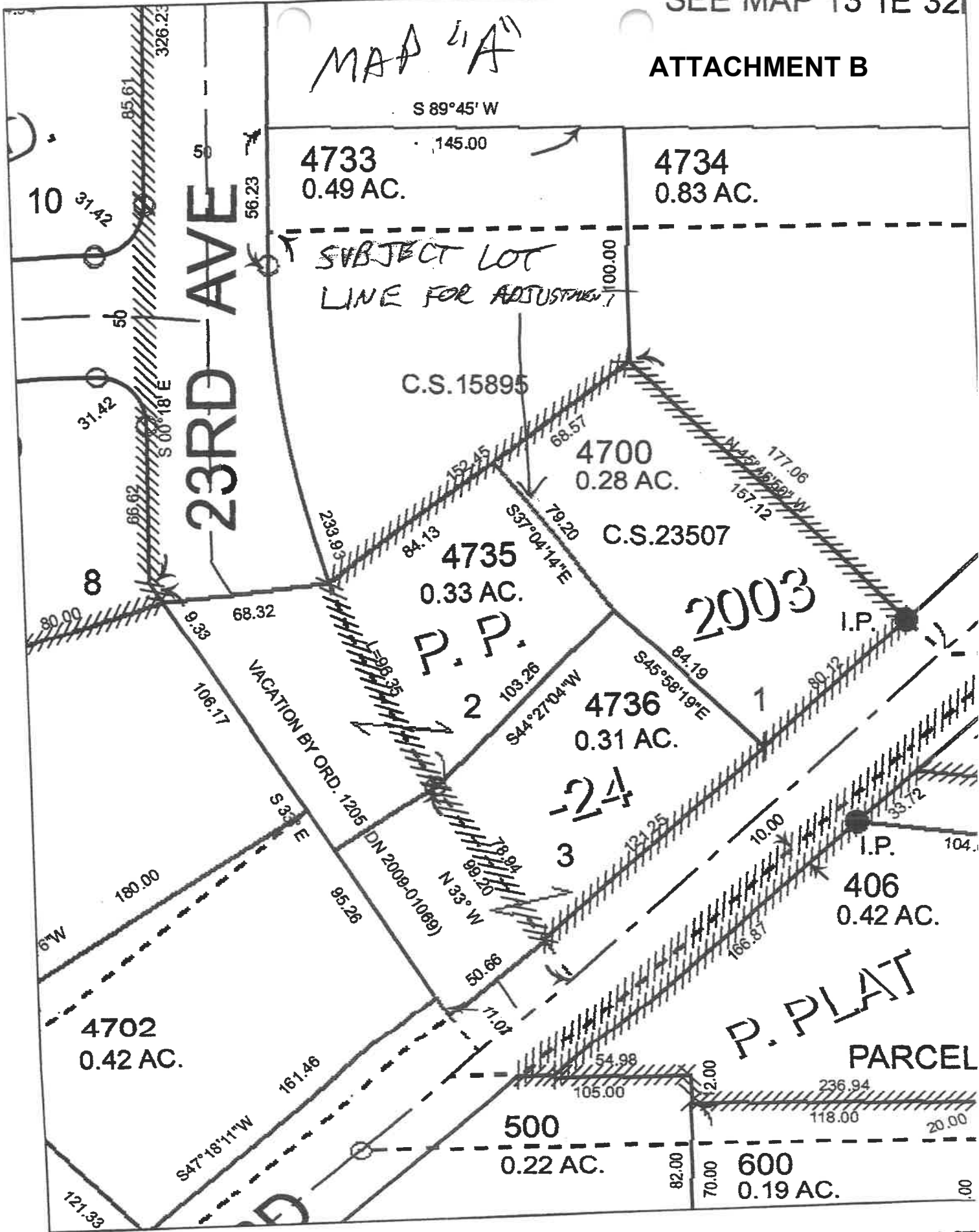
1 inch = 85 feet

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

Date: 8/7/2018

MAP "A"

ATTACHMENT B



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.

2003

P.P.

4736  
0.31 AC.

24

3

406  
0.42 AC.

P. PLAT  
PARCEL

4702  
0.42 AC.

500  
0.22 AC.

600  
0.19 AC.

23RD AVE

VACATION BY ORD. 1205  
DN 2008-01089

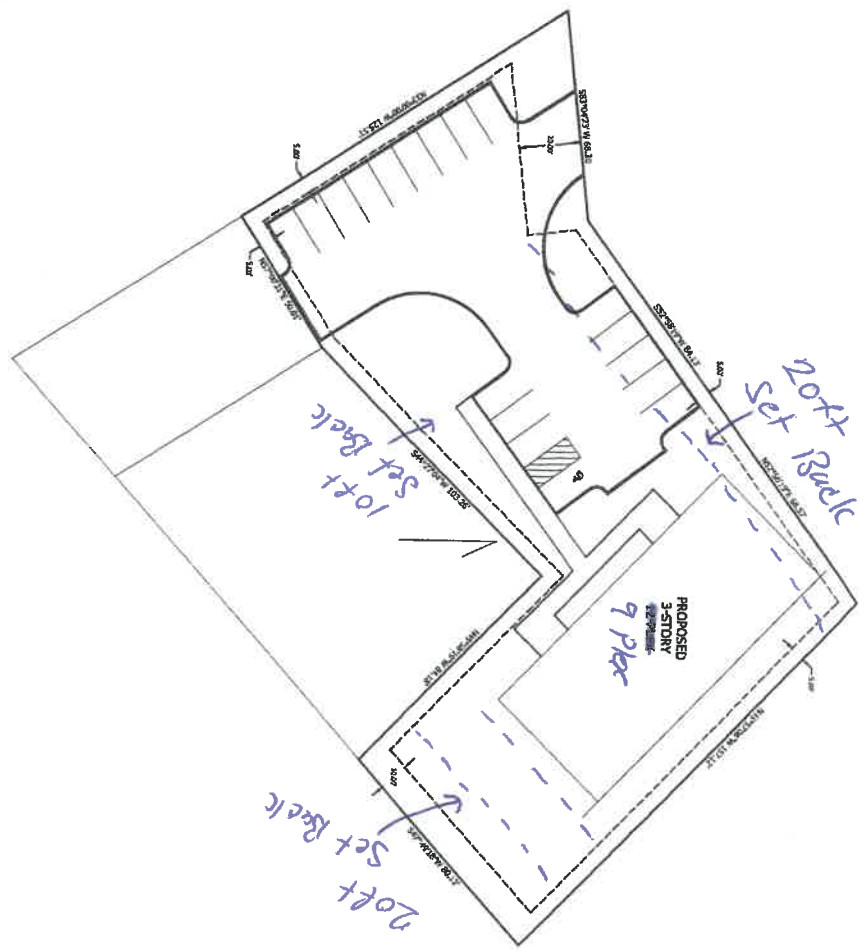
P.P.

P. PLAT  
PARCEL



JM BRADFORD

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



PLAN REVISIONS	DATE

SCALE: SEE SCHEDULE  
 SHEET: C100

REVIEW COPY  
 NOT FOR  
 CONSTRUCTION

DATE: MARCH 23, 2004  
 PROJECT:  
 DRAWN BY:  
 CHECKED BY:  
 ECF

**SITE PLAN**  
 BRADFORD  
 MULTI-FAMILY DEVELOPMENT  
 SWEET HOME, OREGON

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

**CLIENT:**  
 CLIENT  
 ADDRESS  
 CITY, STATE  
 PHONE/EMAIL



## ATTACHMENT C

**Angela Clegg**

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**From:** Gary Pritchard <pritchhorse@aol.com>  
**Sent:** Wednesday, June 17, 2020 10:33 PM  
**To:** Angela Clegg  
**Cc:** Joe Graybill  
**Subject:** Re: Public Hearing on Land Use Application, Property Owner Seven Star Investments, File ZMA20-02

Dear Ms. Clegg,

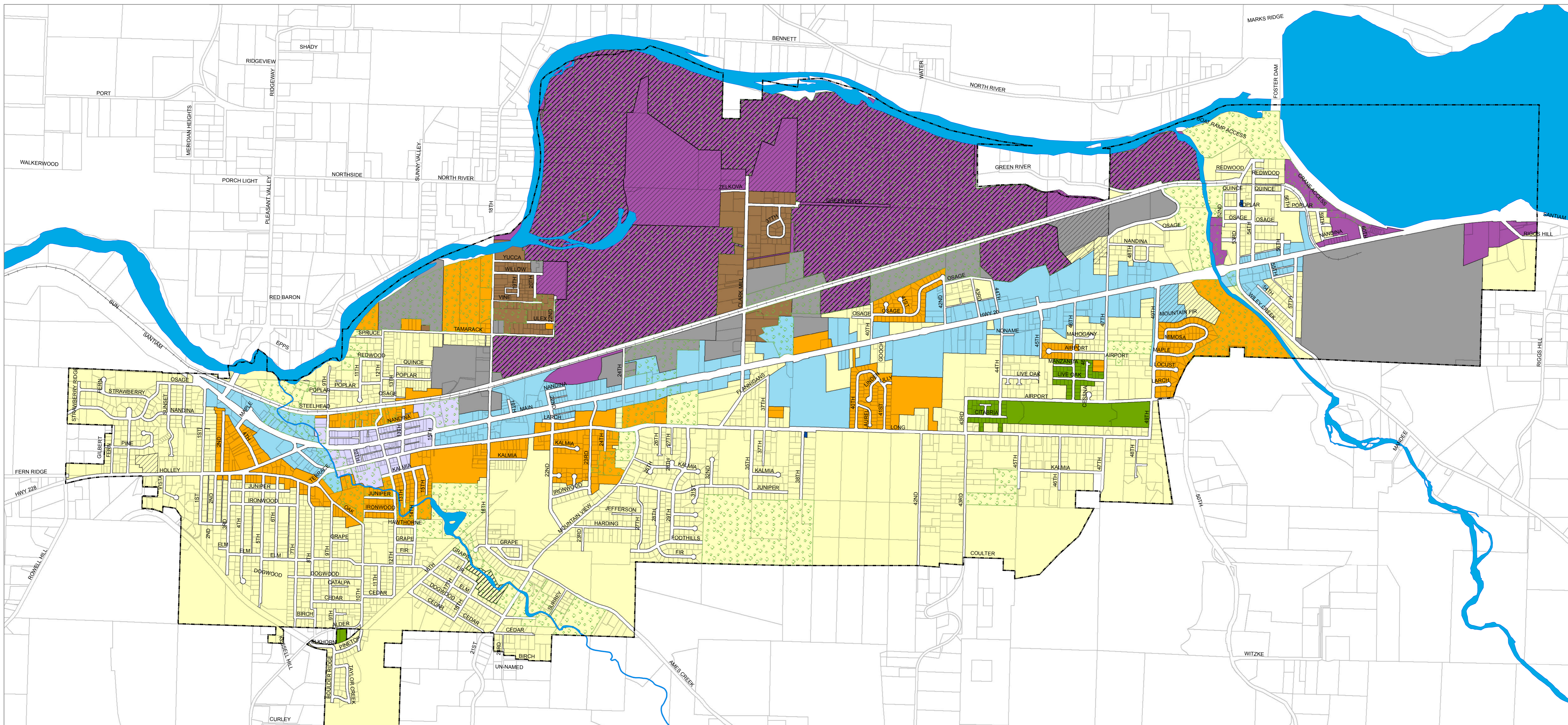
I'm responding to the public hearing on the land use application for the property owner, Star Investments, File #ZMA20-02. I'm the property owner of 953 23rd Avenue, Sweet Home, OR 97386 which borders the property that has requested a hearing for a line adjustment and change to zoning. I've owned my property since 2005. Since that time over the course of years, I've experienced issues with drainage and flooding from the property in question, identified on the Linn County assessor's map as 13S01E32CA. The owners over the past year's have excavated to clear brush from the property 13S01E32CA and in doing so have not provided any erosion control, which has led to silt build up from the winter rains over time. The erosion has changed the course of the run-off which has caused the creek or ditch to move closer to the property line. I have experienced issues with the overflow run-off coming onto my property since I've owned it. I had to replace the entire driveway/parking lot at my apartment complex because the erosion and run-off onto my property damaged the integrity of the concrete. I made this very costly repair in 2019 for the fear that it could potentially create a hazard for my tenants and create further damage to my property. My concern with this request to change the land use it is that currently the owner has not maintained proper erosion control and I fear that more excavation or building on the property would cause even greater water run-off issues. Currently, there is a drop inlet from that property that is allowing silt and build-up into the City's storm drain. At times the City has had to bring a backhoe out to the site and clean the debris on the top of the inlet. Sometimes it's as much as 2 1/2 feet deep. I believe that it is the City's responsibility to have the developer or owner provide the proper drainage system and erosion control to protect any and all existing properties that surround the property 13S01E32CA. There is a considerable liability in the development of the property 13S01E32CA for the owner and the City of Sweet Home to make sure the issue of the drainage is addressed if the proposal is considered. I will hold the all parties responsible to provide proper drainage & erosion control. I'm not against the development of the property, but I'm very concerned on the impact it may have if proper improvements to drainage and erosion control are not required to protect the existing surrounding properties. In closing, please keep me informed of the progress and I'm willing to pay for the staff report at a reasonable cost. Thank you in advance for your support of my response.

Sincerely,

Gary C. Pritchard  
831-623-4577

# ATTACHMENT D

## Sweet Home Zoning

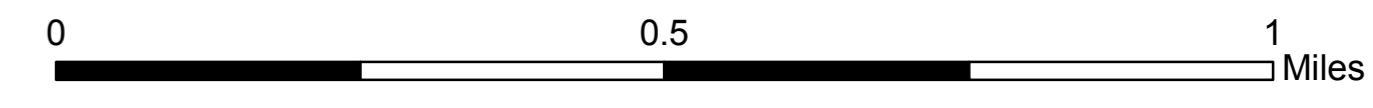


Zoning Ordinances			
Ord.	Date	Ord.	Date
906	09-13-83	1099	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1070	04-26-94	1181	03-14-06
1080	11-08-94	1192	07-24-07
1081	12-13-94	1193	09-11-07
1083	06-19-96	1197	12-11-07
1099	09-10-96	1200	05-27-08
1102	04-22-97	1206	12-25-08
1105	05-27-97		

- Legend**
- Zoning**
- C1 (Central Commercial)
  - C2 (Highway Commercial)
  - C3 (Neighborhood Commercial)
  - M (Industrial)
  - R1 (Low Density Residential)
  - R2 (High Density Residential)
  - R3 (Medium Density Residential)
  - RC (Recreation Commercial)
  - RMT (Residential Industrial Transition)
- Overlay Zones**
- Natural Resources
  - Natural Resources/Planned Development
  - Planned Development
  - City Limits
  - Taxlots
  - Lakes, Rivers, Streams
  - Railway

## Official Zoning Map

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



1 inch equals 0.16 miles

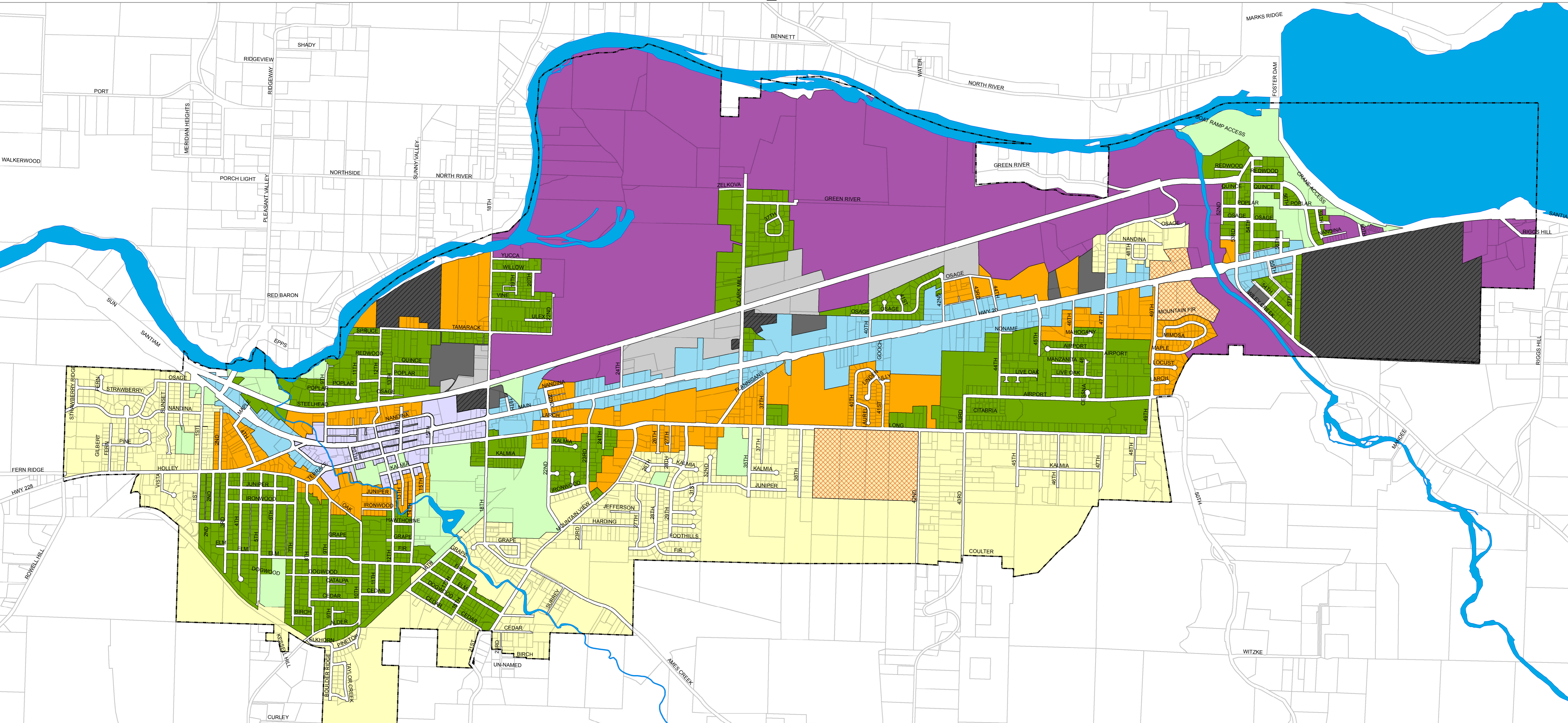
This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Created By:  
City of Sweet Home  
Community Development  
541-367-8113

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# ATTACHMENT E

## Sweet Home Comprehensive Plan



**AMENDING ORDINANCES**

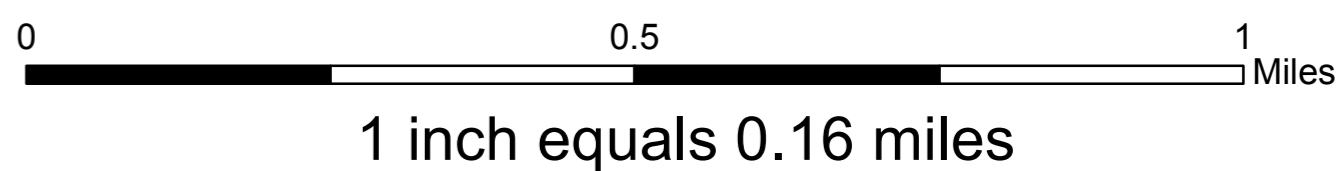
831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07

**Legend**

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

### Official Comprehensive Plan Map

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



This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Created By:  
City of Sweet Home  
Community Development  
  
541-367-8113

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

Community and Economic Development Department

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

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

Date Received: 06.08.20  
 Date Complete: 06.08.20  
 File Number: ZMA20-02  
 Map/Text Amendment Application Fee \$: \$1,030.00  
 Zoning Application Fee \$: \$1,030.00  
 Receipt #: 3947  
 Planning Commission Hearing Date: \_\_\_\_\_  
 City Council Hearing Date: \_\_\_\_\_

Applicant's Name:  
 JIM BRADFORD  
 Applicant's Address:  
 1625 CASCADE DR LEBANON OR 97355  
 Applicant's Phone and e-mail:  
 541-570-2278

Property Owner:  
 SEVEN STAR INVESTMENTS  
 Owner's Address:  
 1625 CASCADE DR LEBANON OR 97355  
 Owner's Phone and email:  
 541-570-2278

**Comprehensive Plan Map or Zoning Map Amendment**

Subject Property Address:  
 933 23RD AVE SWEET HOME  
 Subject Property Assessor's Map and Tax Lot:  
 LOT 4735 + 4700 13501E32CA  
 Subject Property Size:  
 .61 AC  
 Current Zoning Classification: R1  
 Current Comprehensive Plan Classification: R3  
**Purpose of Request**  
 TO RE ZONE FROM R1 TO R3 FOR THREE STORY ~~AP~~ PLEX

**Zoning or Comprehensive Plan Text Amendment**

Sections proposed to be changed:  
 FROM COMP PLAN TO R3  
 Proposed language for change:  
 Attach proposed text to this form.  
**Purpose of Request**

**Submittal Requirements**

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.  
 I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: \_\_\_\_\_ Date: 6-1-2020  
 Property Owner's Signature: \_\_\_\_\_ Date: 6-1-2020

**SHMC 17.12.025 REVIEW CRITERIA FOR MAP AMENDMENTS.**

**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:**

- A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.
- B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
- C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.
- D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

**17.80.040 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:

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> 1. Building size | <input type="checkbox"/> 6. Exhaust and emissions | <input type="checkbox"/> 11. Visibility                               |
| <input type="checkbox"/> 2. Parking       | <input type="checkbox"/> 7. Light and glare       | <input type="checkbox"/> 12. Safety                                   |
| <input type="checkbox"/> 3. Traffic       | <input type="checkbox"/> 8. Erosion               | <input type="checkbox"/> 13. Building, landscaping or street features |
| <input type="checkbox"/> 4. Noise         | <input type="checkbox"/> 9. Odor                  |   |
| <input type="checkbox"/> 5. Vibration     | <input type="checkbox"/> 10. Dust                 |   |

- 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.



MAP "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.

2003

P.P.

4736  
0.31 AC.

24

406  
0.42 AC.

P. PLAT

PARCEL

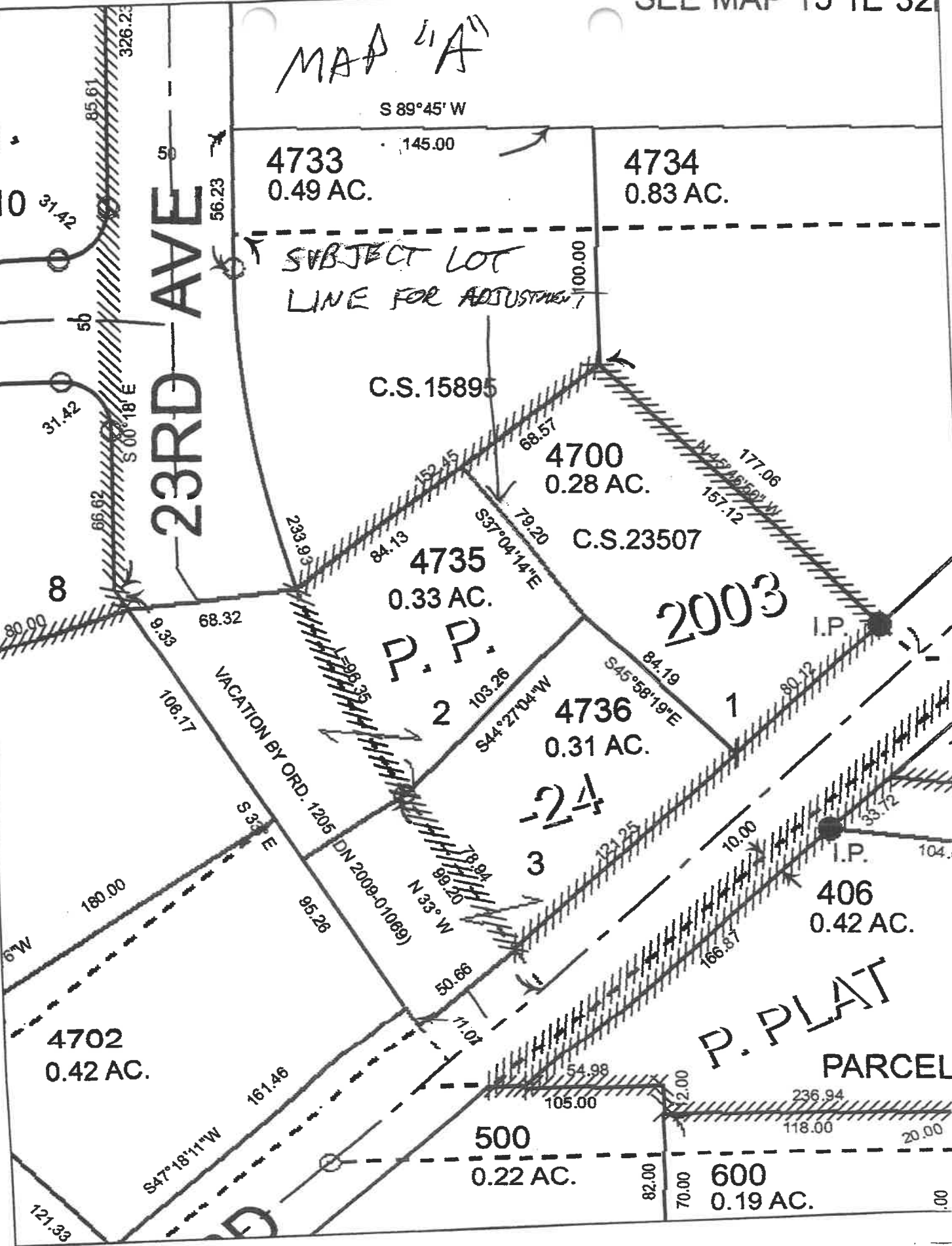
4702  
0.42 AC.

500  
0.22 AC.

600  
0.19 AC.

23RD AVE

VACATION BY ORD. 1205  
DN 2008-01069







6/03/2020

ZMA -20-02 Subject property 933 23<sup>rd</sup> Ave Sweet Home Or

Applicant is requesting subject property zone change. Current zoning is R1 in the comprehensive map zoning is R3. Applicant would like to re-zone to R2 from the current zoning and the comp plan of R3

Attached is new proposed site map and revised site plan.



### Staff Report Presented to the Planning Commission

**REQUEST:** This is an application to annex an approximately 39,005 square foot (0.71-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

**APPLICANT/**

**PROPERTY OWNER:** Cindy Sieg

**FILE NUMBERS:** AX20-01 & ZC20-01

**PROPERTY LOCATION:** 789 Alder Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 14S01E06B Tax Lot 800.

**REVIEW AND**

**DECISION CRITERIA:** Sweet Home Municipal Code Section(s): 17.104.010 and 17.12.025; ORS 222.111

**PLANNING COMMISSION**

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

**CITY COUNCIL**

**HEARING DATE & TIME:** July 28, 2020 at 6:30 PM

**LOCATION OF BOTH  
HEARINGS:**

City Hall Council Chambers 3225 Main Street, Sweet Home, Oregon 97386

**STAFF CONTACT:**

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

**REPORT DATE:** June 29, 2020

#### I. PROJECT AND PROPERTY DESCRIPTION

This is an application to annex an approximately 39,005 square foot (0.71-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

The proposed annexation, if approved would modify the City Limit line to incorporate the subject property. The legal description for the subject property is included as Attachment D. The applicant is seeking annexation in order to connect to City sewer services.

**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

<b>Property</b>	<b>Zoning Designation</b>	<b>Comprehensive Plan Designation</b>
Subject Property	Current: Linn County UGA-RR-1 Proposed: Low Density Residential (R-1)	Low Density Residential
Property North	Low Density Residential (R-1)	Medium Density Residential
Property East	Linn County UGA-RR-1 and Medium Density Residential	Medium Density Residential
Property South	Linn County UGA-RR-1 and Low Density Residential (R-1)	County and Low Density Residential (R-1)
Property West	Linn County UGA-RR-1	County

- Floodplain           Based on a review of the FEMA FIRM Maps; Panel 41043C0913G dated September 29, 2010, the subject property is not located in the 100-year floodplain.
- Wetlands:           The subject property does not contain wetlands on the Sweet Home Local Wetland Inventory. The property also does not contain wetlands identified on the National Wetlands Inventory (NWI) Map.
- Services:            See Engineering Comments (Attachment E). The subject property is currently served by City water. City sewer property has access to City water and sewer.
- The subject property has frontage along Alder Street.

**PROCESS AND NOTICE TIMELINES:**

- Application Received:           June 12, 2020
- DLCD 35-Day Notice:            June 12, 2020
- Mailed Notice:                    June 12, 2020
- Notice Published in New Era:    June 17, 2020, June 24, 2020
- Planning Commission Hearing:    July 6, 2020
- City Council Hearing:             July 28, 2020
- 120-Day Completion Deadline:   October 10, 2020

Mailed notice was sent to property owners and residents within 300 feet of the property as well as applicable service agencies and interested parties. Notice was provided as required by SHMC 17.12.120 and ORS 222.120(3).

## II. COMMENTS

- Building Division:** Building Program has no issues with this request for Annexation.
- Public Works:** If the applicant desires to connect to City sewer then a sewer extension will be required. Public Works has no other concerns at this time.
- Engineering Division:** Project & Location: This Property Annexation is at the corner of Alder St and 8<sup>th</sup> Ave. It extends from Elkhorn St at the south end to midway between 8<sup>th</sup> Ave and 9<sup>th</sup> Ave.
- Streets & Stormwater: Alder St at this location is outside the City Limits and is an unimproved roadway with roadside gravel shoulders and drainage and is subject to Linn County Access Management. Alder Street has a ROW of 50ft wide at this point, with 22ft of pavement. The roadway does not follow the centerline of the ROW and diverges along the south edge. The roadway and property are currently in Linn County. Elkhorn Street is an improved roadway with curb, gutter, sidewalk from Taylor Creek Drive to Alder St/Old Holley Road, and is within the City Limits. Elkhorn St is a Local category roadway. The ROW is 60ft wide and has 32ft of curb to curb width. Access would be available from Alder Street (Linn County) and from Elkhorn St (City), both will have access to it.
- Water & Sanitary: Water is available in Alder Street. Sanitary Sewer would need to be extended on Alder St if any development is planned. There is a water line in Elkhorn St, but no sewer line is planned for this roadway.
- Comments & Recommendations: CEDD-IS recommends the annexation be approved, and that the roadways adjacent to the property within the Urban Growth Boundary are transferred to ownership of the City. This simplifies access permitting, utility construction and ownership maintenance of the roadways. Previous adjacent annexations have generated some mapping descriptions and drawings for area options. These are available upon request.
- Linn County:** The Department does not have record of any outstanding land use issues on the property. Linn County has no other comment regarding the proposed annexation.
- Fire Department:** No comments as of the issue of this Staff Report.
- Public Comments:** No comments as of the issue of this Staff Report.

## III. REVIEW AND DECISION 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.

### **Criteria for Annexation Request: AX 20-01**

- A. Upon receiving any petition for annexation of territory to the city, or before initiating any such action on its own motion, the Council shall refer the proposal for annexation to the Planning Commission for its consideration and recommendation.**  
[SHMC 17.104.010(A)]

Staff Findings: The subject property is located within the City's UGB, and annexation would bring the subject property into the City limits. The Planning Commission will consider this matter on July 6, 2020.

- B. The Planning Commission shall review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council. [SHMC 17.104.010(B)]**
- C. ORS 222.120. Procedure for annexation without election; hearing; ordinance subject to referendum. [Relevant Sections]**
  - a. Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection. [ORS 222.120(1)]**
  - b. When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation. [ORS 222.120(2)]**
  - c. The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period. [ORS 222.120(3)]**
  - d. After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question: [ORS 222.120(4)]**
    - i. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section; [ORS 222.120(4)(b)]**

Staff Findings: The provisions of SHMC 17.104.010 do not require that this annexation proposal be submitted to the electors of the City for their approval or rejection. The Planning Commission will hold a public hearing on July 6, 2020 and will make a recommendation to the City Council. The City Council will hold a hearing on this matter on July 28, 2020 at 6:30 PM.

Notice of both public hearings will be published in the New Era Newspaper on June 17, 2020 and June 24, 2020. Notice of the public hearing was posted in four city locations: City Hall, City Library, Post Office, and the community bulletin board at the northeast corner of 18<sup>th</sup> Ave and Long Street.

If this annexation is approved, the City will follow the procedures for adopting an ordinance and providing notification to affected parties as describes in the SHMC and ORS 222.

- D. In the event that the Council finds that immediate action is necessary to initiate proceedings for annexation, either before the proposal is referred to the Planning Commission, or before recommendations are received from the Planning Commission, the Council may proceed, but the Planning Commission shall be promptly advised, so that it may have an opportunity to make recommendations to the Council during the Council proceedings. [SHMC 17.104.010(C)]**

Staff Findings: The Planning Commission will review this application and make a recommendation to City Council. The applicant did not request that immediate action be taken under this section. Staff recommends that the Planning Commission make a recommendation on this matter at their July 6, 2020 meeting so that the City Council may consider the recommendation at their July 28, 2020 hearing.

- E. When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. [ORS 222.111(1)]**
- F. A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)]**
- G. A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. [OAR 660-014-0060]**

Staff Findings: The subject property is contiguous to the city limits of Sweet Home to the east and the property to the south. The north property line borders Alder street, which is within the jurisdiction of Linn County; however, the property across the right-of-way is located within city limits. This is considered contiguous under ORS 222.111(1).

The SHMC does not provide specific criteria for annexations; however, as discussed below, the City of Sweet Home Comprehensive Plan requires that upon annexation that the zoning of the subject property be changed to a City zoning classification that is consistent with the Sweet Home Comprehensive Plan Map. This application for an annexation is therefore linked to the application for a zone change. For this reason, staff recommends that these applications be either both approved or both denied. This annexation proceeding was initiated at the request of the property owner.

The Engineering Department provided comments to this application, which are included in Section II of this Staff Report. Engineering comments bring attention to the issue of the jurisdiction of Alder Street. The applicant's property does not include Alder Street; however, the extension of City sewer services would most efficiently be provided by extending the existing sewer line in Alder street that is currently located to the east of the property. The sewer line would need to be extended along the full length of the subject property's frontage along Alder Street (SHMC 13.08.070). As the annexation is proposed, sewer extension would require work within the Linn County portion of Alder Street, and the applicant would need to obtain a work in the right-of-way permit from Linn County. The Engineering Department recommends annexing the portion of Alder Street that would be affected by the extension.

This annexation decision will be made in conformance with the City's acknowledged comprehensive plan; and therefore, would comply with the Oregon Statewide Planning Goals pursuant to OAR 660-014-0060.

#### **Criteria for Zone Change Request: ZC 20-01**

- H. 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:**
  - a. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
    - i. Upon annexation, all lands shall be zoned consistently with the Comprehensive Plan and its designations and should be based on public need, special studies or other information which will serve as**

**the factual basis to support the change.** [SHCP Chapter 2; Land Use Element, Policy 16]

ii. **Table 1. Summary of Comprehensive Plan Land Use Designations**

<b>Land Use Designation</b>	<b>Purpose</b>
<b>Low Density Residential</b>	<b>To provide appropriate lands for low density, single-family homes. This category has the lowest density of the residential designations, providing larger lots for single-family homes.</b>

**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.** [SHCP Chapter 2; Land Use Element, Portion of Table 1: Summary of Comprehensive Plan Land Use Designations]

Staff Findings: The Comprehensive Plan Map Designation of the subject property is Low Density Residential. See Attachment B. The goals and polices of the Comprehensive Plan are implemented through the application of zoning that implements the Comprehensive Plan Map designation of the property. The Low Density Residential (R-1) Zone implements the Low Density Residential Comprehensive Plan Map designation.

Based on a review of the Sweet Home Local Wetlands Inventory Map and the National Wetlands Inventory Map, the subject property does not contained inventoried wetlands. As a result, it would not be appropriate to apply the Natural Resources Zone to the property. The subject property is located outside of the 100-year floodplain.

Based on the above findings, the application of the R-1 Zone to the subject property would be consistent with the goals and policies of the Comprehensive Plan. The application complies with this criterion.

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

Staff Findings: The subject property is located within the City’s Urban Growth Boundary, which has been identified as the planned location for urban development in the City. Tax Lots 400 and 500, to the east, were annexed to the City in 2010 and Tax Lot 700 was annexed to the City in 2017 under similar circumstances: they sought connection to the City’s sewer system. The subject property is contiguous to the Sweet Home City Limits. For these reasons, staff finds that the application complies with this criterion.

- c. 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: The Engineering Department provided comments to this annexation and zone change proposal which are included in Section II of this Staff Report. The subject property is currently served by City water. The applicant is seeking connection to City sewer. If the applicant seeks connection to the sewer service on Alder Street, they would need to obtain a



work in the right-of-way permit from Linn County; until such time as the portion of connecting right-of-way is annexed into the City. Costs associated with the extension of sewer and other services would be the responsibility of the property owner.

The subject property contains approximately 0.71-acre; and if approved, it would be possible to divide the property into lots as small as 8,000 square feet through a future subdivision or partition application process. The applicant has not requested a subdivision or partition at this time. If the applicant seeks to divide the property in the future, approval of those applications may require sidewalk or road improvements as required under the Sweet Home Municipal Code. A host of other development permits may also be required upon future development of the property; however, no specific development has been proposed at this time.

The subject property contains one single-family dwelling; and based on the comments submitted by the Engineering Division; utilities and services could be efficiently provided to the subject property.

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

Staff Findings: This criterion does not apply to a zone change, because the proposal does not require an amendment to the City's Comprehensive Plan Map. The Comprehensive Plan Map designates the subject property as Low Density Residential, and the applicant is proposing to apply the corresponding Low Density Residential (R-1) zone. The proposed zoning is consistent with the City's Comprehensive Plan; which has been acknowledged to be consistent with the Statewide Planning Goals.

#### **IV. CONCLUSION AND RECOMMENDATION**

Pursuant to SHMC 17.104.010(B), the role of the Planning Commission is to "review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council."

Staff recommends that the Planning Commission adopt the findings listed in Section III, above. Based on those findings, staff recommends that the Planning Commission move to recommend that the City Council approve applications AX20-01 and ZC20-01 (Option 1 below).

Options:

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

1. Move to recommend that the City Council approve applications AX20-01 and ZC20-01;
2. Move to recommend that the City Council deny applications AX20-01 and ZC20-01;
3. Other.

#### **V. PROCESS MOVING FORWARD**

The City Council will hold a public hearing on July 28, 2020 and will consider the recommendation of the Planning Commission. If this application is approved, the City Council will read and adopt an ordinance to formally annex the property and apply the proposed City zoning. Staff would provide notice of the decision as required by the SHMC and ORS.

## **VI. ATTACHMENTS**

- A. Subject Property Map
- B. Comprehensive Plan Map
- C. Zoning Map
- D. Legal Description for the Subject Property
- E. Planning Record Dated as of June 29, 2020; Including Applications and Supporting Documentation

ATTACHMENT A



SUBJECT PROPERTY



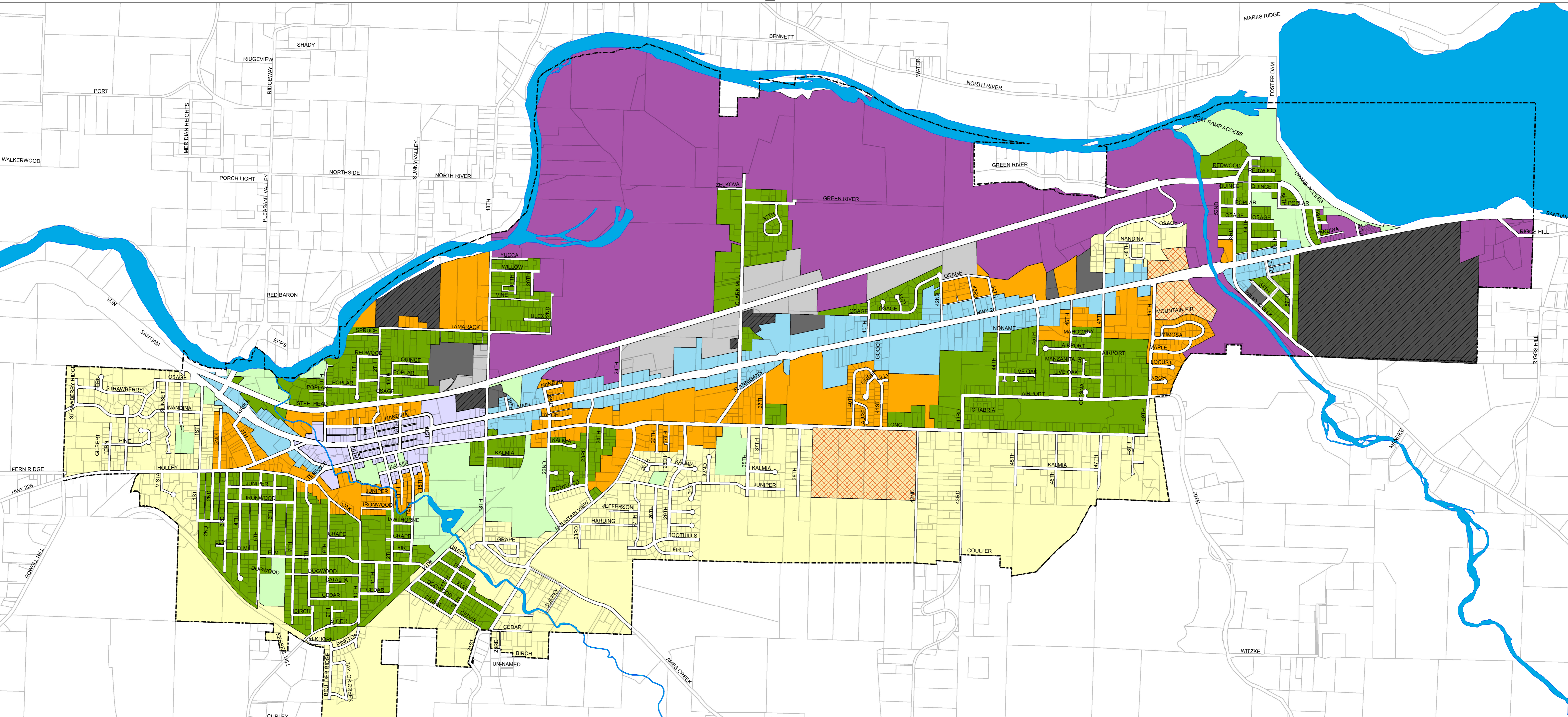
1 inch = 102 feet

Subject Property Map  
AX ZC 20-01  
14S01E06B 00800

Date: 8/7/2018

ATTACHMENT B

# Sweet Home Comprehensive Plan



AMENDING ORDINANCES

831	04-07-81
933	06-11-85
1013	02-27-90
1069	04-26-94
1070	10-21-94
1081	12-13-94
1083	06-19-95
1102	04-22-97
1105	05-27-97
1114	12-09-97
1125	11-09-09
1151	09-23-03
1197	12-11-07

Legend

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

## Official Comprehensive Plan Map

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



1 inch equals 0.16 miles

This map was created for display purposes only and is subject to errors and/or omissions. The City of Sweet Home and Linn County disclaim any liability as to the accuracy of the data.

Created By:  
 City of Sweet Home  
 Community Development

541-367-8113

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



ATTACHMENT D

VOL 0869 PAGE 679

EXHIBIT "A"

LEGAL DESCRIPTION

19-13056

The following described real property situated in the County of Linn and State of Oregon, to-wit: Beginning at a point where the center line of the County Road intersects the center line of Section 6, 35 feet South of the Quarter Section corner on the North side of said Section, in Township 14 South, Range 1 East of the Willamette Meridian; thence South along the center line of said Section 247.4 feet to the North line of the Oregon Electric Railroad right-of-way; thence Westerly along the North line of said right-of-way 287 feet to the center line of said County road; thence North 57° 05' East along said center line 338 feet to the place of beginning. EXCEPTING therefrom portions thereof within that strip of land conveyed to Linn County, Oregon, by deed recorded April 3, 1941, in Book 154, page 8, Deed Records. SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

STATE OF OREGON  
County of Linn

I hereby certify that the attached was received and duly recorded by me in Linn County records.

STEVE DRUCKENMILLER  
Linn County Clerk

MP. 869

By PH, Deputy PAGE 67B

M  
R  
B  
A  
C  
O

MAY 15 3 28 PM '91

40



# ATTACHMENT E

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

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

Date Received: 06.12.20

Date Complete: \_\_\_\_\_

File Number: AX 2020-01

Map/Text Amendment Application Fee \$: ~~\$1,030.00~~ \$1,545.00

Zoning Application Fee \$: ~~\$1,030.00~~

Receipt #: 3954

Planning Commission Hearing Date: 07.06.20

City Council Hearing Date: 07.28.20

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.

**Applicant's Name:**

Cindy Sieg

**Applicant's Address:**

PO Box 464, Sweet Home, OR 97386

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

(541) 409-0113 csieg97386@yahoo.com

**Property Owner:**

Cindy Sieg

**Owner's Address:**

PO Box 464, Sweet Home, OR 97386

**Owner's Phone and email:**

(541) 409-0113 csieg97386@yahoo.com

### Comprehensive Plan Map or Zoning Map Amendment

**Subject Property Address:**

789 Alder, Sweet Home, OR 97386

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

14S01E06B0 00800

**Subject Property Size:**

0.71 ACRES

**Current Zoning Classification**

in Linn County

**Current Comprehensive Plan Classification:**

in Linn County

#### Purpose of Request

Annex into City of Sweet Home zone R1

### Zoning or Comprehensive Plan Text Amendment

**Sections proposed to be changed:**

**Proposed language for change.**

Attach proposed text to this form.

#### Purpose of Request

### Submittal Requirements

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

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

**Applicant's Signature:**

**Date:**

6/11/20

**Property Owner's Signature:**

**Date:**

6/11/20



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

**PETITION FOR ANNEXATION TO THE CITY OF SWEET HOME, OREGON**

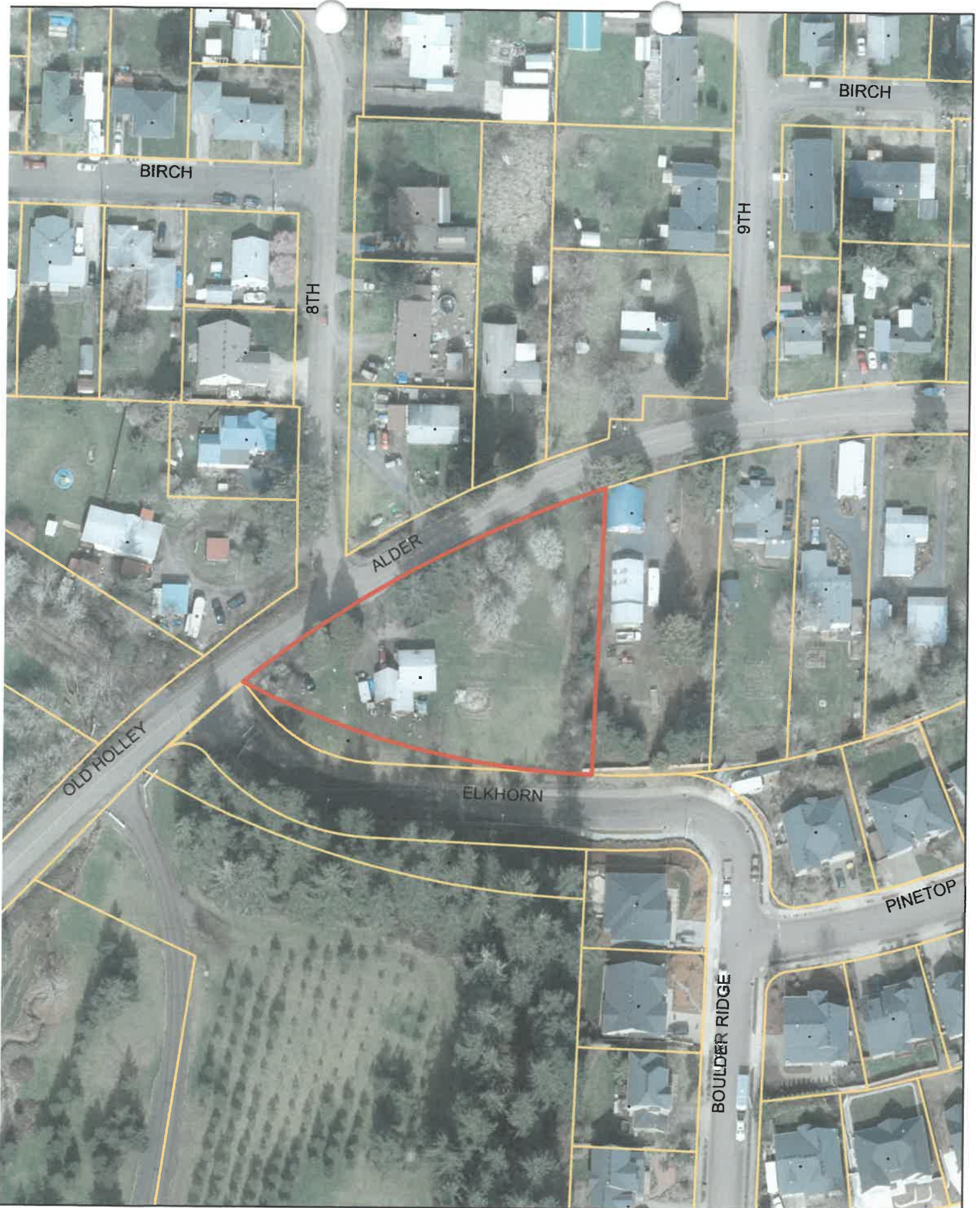
To the City Council of the City of Sweet Home:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Sweet Home. A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundary.

Signature	Printed Name	I Am A* (check both if applicable)		Owner's/Elector's Mailing Address (street, city, zip code)	Property Description	Date**
		PO	RV			
<i>Cindy Sieg</i>	Cindy Sieg	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	PO Box 464, Sweet Home OR 97386	14S01E06B 00800	6/9/20

\*PO = Property Owner      RV = Registered Voter      \*\*Within 1 year from the date of filing the petition with the City





1 inch = 98 feet

789 Alder  
Annexation Petition

Date: 8/7/2018