

ORDINANCE BILL NO. 5 FOR 1985

ORDINANCE NO. 933

AN ORDINANCE AMENDING THE OFFICIAL SWEET HOME ZONING MAP OF 1983, SAID MAP BEING PART OF ORDINANCE NO. 644, AND AMENDING THE SWEET HOME COMPREHENSIVE PLAN MAP.

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1. Based upon public hearings and the Planning Commission report and recommendation to the City Council, the City of Sweet Home adopts the following findings:

- (a) There is a need for the requested amendment to the Zoning and Comprehensive Plan Maps.
- (b) The identified need for additional commercial development can best be served by granting the requested amendment.
- (c) No violations of State land use goals have been identified.
- (d) The requested amendment is compatible with all other elements of the Sweet Home Comprehensive Plan.
- (e) The criteria, findings of fact and reasons for granting the requested amendment are described in Exhibit A, which is hereby incorporated as part of this ordinance.

Section 2. The Sweet Home Official Zoning Map, as part of Ordinance No. 644, and the Sweet Home Comprehensive Plan Map are hereby amended to change the zoning and plan designation of the subject property described below and shown on Exhibit A from Urban High Density Residential (R-2) to Highway Commercial (C-2).

The subject property is described as follows:

All of Lot 14 of Block 1 in Davis Heights Addition to the City of Sweet Home, Linn County, Oregon, according to the duly recorded plat thereof on file and of record in the office of the Recorder of Conveyances for Linn County, Oregon. SAVING AND EXCEPTING THEREFROM the following described premises, to-wit: Beginning at an iron rod which is the most Northerly corner of Lot 4 and is on the Southwesterly line of Lot 14 of Block 1 in Davis Heights Addition to the City of Sweet Home in Linn County, Oregon; and running thence North 35° 35' West along said lot line 170.0 feet to the most Westerly

corner of Lot 14 in said addition; thence North 42°00' East along the Northwesterly line of said lot 50.5 feet to the most Northerly corner of said lot; thence South 63°00' East along the Northerly line of said lot 169.1 feet to a 1" x 1" angle iron bar; thence South 40°49' West 130.2 feet to the place of beginning, all lying in and being a portion of Lot 14 in said addition.

Section 3. The following conditions on the development plan for the subject property are necessary and reasonable for the protection of the public health, safety and general welfare. The following conditions shall be implemented by the City Manager in reviewing said development plan:


- (a) The development plan for the property shall include preliminary engineering sufficient to demonstrate that adjacent properties will not receive increased flooding or ponding from the development.
- (b) Any proposed access to Holley Road is approved by both the Oregon Highway Division and the City of Sweet Home as part of the development plan approval process.

PASSED by the Council and approved by the Mayor this 11th day of June, 1985.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder

EXHIBIT A
CITY OF SWEET HOME

May 14, 1985

TO: City Council
FROM: Staff and Planning Commission
SUBJECT: Zone Change and Comp Plan Amendment

BASIC INFORMATION

Applicant: M. S. & J. Properties
Request: Zone Change and Comprehensive Plan Map Amendment from R-2 to C-2
Tax Lot: 1900 Map: 13 1E 31BD
Location: Adjacent to East Linn Medical Center and Holley Road
Present Use: Vacant
Surrounding Uses: Medical, Commercial, Vacant, Residential
Zone: R-2 Comp Plan Designation: R-2 Airport Overlay Zone: NA
D.L. Zone: yes Zoning Ord. Sec.: Article 9
Present Lot Coverage: 0 Proposed Lot Coverage: 40%
City Water Available: yes City Sewer Available: yes
Development Limitations: Ponding, high ground water

PLANNING COMMISSION RECOMMENDATIONS

The Planning Commission recommends that the City Council approve amendment of the Sweet Home Zoning Map and Comprehensive Plan Map for Tax Lot 1900, Map 13 1E 31BC, from High Density Residential (R-2) to Highway Commercial (C-2) with the following conditions:

1. The development plan for the property shall include preliminary engineering sufficient to demonstrate that adjacent properties will not receive increased flooding or ponding from the development.
2. Any proposed access to Holley Road is approved by both the Oregon Highway Division and the City of Sweet Home as part of the development plan approval process.

STAFF COMMENTS

Issue

The applicant plans to move its retail grocery store to a new building on adjacent property currently zoned and designated in the Comprehensive Plan as High Density Residential (R-2). The proposed use is not allowed in the R-2 Zone, so a rezone and Comprehensive Plan Amendment to Highway Commercial is requested. If the rezone and Plan amendment is approved by the City Council, approval of a development plan by the City Manager is required prior to issuance of building permits.

STAFF COMMENTS (continued)

Criteria For Decision

In order to obtain a Comprehensive Plan Amendment the applicants have the burden of proving that all of the following conditions exist:

- a. There is a need for the proposed change
- b. The identified need can best be served by granting the change requested
- c. The proposed change is not in violation of State land use goals
- d. The proposed change is compatible with all other elements of the City Comprehensive Plan

Other relevant ordinance criteria include:

Zoning Ordinance Section 4.430 - The ponding and high ground water on the subject property are mapped in the City Base Map Folio; therefore, placing the property within the Development Limitations Combining Zone. A development plan is required and must be approved by the City Engineer.

Zoning Ordinance Section 4.120 (4) - In the C-2 Zone, a development plan is required and must be approved by the City Manager.

Findings

1. The zone change would allow development of the site for commercial uses, resulting in new jobs and capital investment in Sweet Home.
2. The existing grocery store site has no additional area for the uses proposed. The proposed rezone lot is currently vacant and has been recently purchased by the applicants.
3. The bluff on the south side of the proposed site and the street configurations are such that commercial development will not encroach existing or future residential neighborhoods. As a commercial site, the lot will benefit from new access from Holley Road (Highway 228).
4. No State land use law violations have been identified. In accordance with State law, the Department of Land Conservation and Development will be notified of the Zone and Plan change and given the opportunity to comment.
5. The proposed site has a drainage way through it and low area that has ponding in the winter. The ponding appears to be due to topography, water runoff volumes, and impeded flow from situation in the channel and a clogged culvert under Main Street just down stream. Further information is needed to determine the extent of the existing situation and the effects of proposed development.

STAFF COMMENTS (continued)

6. New access from Holley Road (Highway 228) on the east side will require a permit from the Highway Division. Traffic volumes in the area will increase following development. A new access on Holley Road will likely reduce the number of cross-traffic turns and entering vehicles on Main Street. A new access will also increase cross-traffic turns on Holley Road.

Conclusion/Recommendation

Based on the above findings, no conflicts with the Comprehensive Plan or City Policies have been identified. The proposed use appears to be an appropriate and logical land use for the area. To resolve potential flooding and traffic problems, the development plan for the property needs to be very specific in these areas.

JD/jmg

EXHIBIT A

ORDINANCE NO. 933

Notations on this map indicate the general boundary of the subject property, more particularly described in Section 2 of this Ordinance.

PASSED by the Council and approved by the Mayor this 11th day of June, 1985.

CERTIFIED BY:



City Manager - Ex Officio City Recorder

