



CITY OF SWEET HOME PLANNING COMMISSION MEETING AGENDA

June 4, 2018, 7:00 p.m.
City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

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

1. Call to Order and Pledge of Allegiance
2. Roll Call of Commissioners:
Lance Gatchell (Chairperson); Anay Hausner (Vice Chairperson); Eva Journey; Edith Wilcox;
Greg Stephens; Henry Wolthuis, Thomas Herb
3. Approval of Minutes: May 7, 2018
4. 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.
5. Public Hearing. Files VR 18-03 and CU 18-07. Front property line setback variance to permit a building addition to a previously approved church building at 2331 Main Street, Sweet Home, Oregon. Property owner: Full Gospel Church of Sweet Home.
6. Public Hearing. File LA 18-01. A project that would amend the text of the Sweet Home Municipal Code to reflect passage of SB 1051 (2017). The amendments include standards for establishing accessory dwelling units.
7. Project Updates from Planning Staff
8. 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 Community and Economic Development Office at (541) 367-8113.

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 1140 12th Ave, 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
 - Continuous
- 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.



Community and Economic Development Department

City of Sweet Home
1140 12th Avenue
Sweet Home, OR 97386
541-367-8969
Fax 541-367-5007
www.ci.sweet-home.or.us

PLANNING COMMISSION MEETING
MAY 7, 2018
CITY HALL ANNEX - COUNCIL CHAMBERS
1140 12TH AVENUE

PUBLIC MEETING CALL TO ORDER AT 7:02 PM

PLEDGE OF ALLEGIANCE

ROLL CALL ATTENDING:

Edith Wilcox Henry Wolthuis Eva Journey Thomas Herb
Greg Stephens Lance Gatchell Anay Hausner

STAFF:

Jerry Sorte, Community and Economic Development Director (CEDD)
Lagea Mull, Project Assistant

REGISTERED VISITORS:

COMMENTS FROM THE PUBLIC: None

APPROVAL OF MINUTES

Chairperson Gatchell opened discussion for corrections to the March 5, 2018 meeting minutes.

Comments Included; None

Commissioner Wilcox moved to approve the minutes.
Commissioner Herb seconded the motion to approve.

Question was called

Aye (6)

Commissioner Wilcox, Commissioner Wolthuis, Commissioner Journey, Commissioner Herb, Commissioner Hausner and Chairperson Gatchell

Nay (0)

Abstention (1) Commissioner Stephens

Motion Passed 6 Ayes to 0 Nays

Chairperson Gatchell opened discussion for corrections to the March 12, 2018 meeting minutes.

Comments Included; None

Commissioner Wolthuis moved to approve the minutes.
Commissioner Journey seconded the motion to approve.

Question was called

Aye (6)

Commissioner Wilcox, Commissioner Wolthuis, Commissioner Journey, Commissioner Herb, Commissioner Hausner and Chairperson Gatchell

Nay (0)

Abstention (1) Commissioner Stephens

Motion Passed 6 Ayes to 0 Nays

Chairperson Gatchell opened discussion for corrections to the March 19, 2018 meeting minutes.

Edits Included:

Page 5; 5 Ayes, 2 Nays by Commissioner Journey & Chairperson Gatchell. Motion passed with 5 Ayes to 2 Nays

Page 6; Rebuttal: Jon Gulliford

Page 7; home occupation for gunsmith business

Comments Included; None

Commissioner Wilcox moved to approve the minutes with corrections.

Commissioner Stephens seconded the motion to approve.

Question was called

Aye (7)

Commissioner Stephens, Commissioner Wilcox, Commissioner Wolthuis, Commissioner Journey, Commissioner Herb, Commissioner Hausner and Chairperson Gatchell

Nay (0)

Motion Passed Unanimously 7 Ayes to 0 Nays

Chairperson Gatchell opened discussion for corrections to the April 2, 2018 meeting minutes.

Comments Included; None

Commissioner Stephens moved to approve the minutes.

Commissioner Wilcox seconded the motion to approve.

Question was called

Aye (6)

Commissioner Stephens, Commissioner Wilcox, Commissioner Wolthuis, Commissioner Journey, Commissioner Hausner and Chairperson Gatchell

Nay (0)

Abstention (1) Commissioner Herb

Motion Passed Unanimously 6 Ayes to 0 Nays

No Public Comments

CEDD Jerry Sorte communicated the latest staff changes in the department. He requested commission feedback on prior training. Discussion Ensued about past training and potential future training. The Planning Commission indicated that they would like to receive ongoing training. The feasibility of scheduled internal quarterly training will be researched.

ADJOURNMENT

PUBLIC MEETING CLOSED AT 7:56PM

To the best of the recollection of the members of the Planning Commission, the foregoing is a true copy of the proceedings of the Public Meeting of May 7, 2018.

Lance Gatchell Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Lagea Mull, Project Assistant

DRAFT



Community and Economic Development Department

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a front property line setback variance from 20 feet to zero feet in order to add a twelve foot addition to the Full Gospel Church of Sweet Home building.

The applicant was recently approved to convert the existing building on the property to a church by Conditional Use Approval CU 18-05. The proposed addition was depicted in the material reviewed under CU 18-05.

- APPLICANT: Larry Rodgers
PROPERTY OWNER: Full Gospel Church of Sweet Home
FILE NUMBERS: VR 18-03 and CU 18-07
PROPERTY LOCATION: 2331 Main Street, Sweet Home, Oregon; Identified on the Linn County Assessor's Map as 13S01E32BD Tax Lot 104 and 13S01E32BA Tax Lot 1800.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 17.88.040, 17.88.050, 17.80.060, 17.84.030.
HEARING DATE & TIME: June 4, 2018 at 7:00 PM
HEARING LOCATION: City Hall Annex, Council Chambers behind City Hall at 1140 12th Avenue, Sweet Home, Oregon
STAFF CONTACT: Jerry Sorte. Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

I. PROJECT AND PROPERTY DESCRIPTION

The Planning Commission previously approved conditional use permit CU 18-05; which allowed the subject property to be used for church use. See Attachment D. The plot plan that was proposed in CU 18-05 is the same as proposed in these applications.

ZONING AND PROPERTY DESCRIPTION:

See the staff report for CU 18-05; included as Attachment D.

TIMELINES AND HEARING NOTICE: Applications VR18-03 and CU18-07 were received on May 7, 2018. The “120-day” completion deadline is September 4, 2018. On May 15, 2018, staff mailed notice of the June 4, 2018 Planning Commission public hearing to property owners and residents within 300 feet of the property as well as applicable service agencies and interested parties. Notice of the hearing appeared in The New Era Newspaper on May 23, 2018. Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

Engineering Division: See comments from CU 18-05; Attachment D.

ODOT Thank you for the opportunity to review and comment on the attached land use notice. ODOT has no objections, conditions or requirements regards to the use of the existing approach to this property and the proposed variance the 20' setback as mentioned in the notice.

III. REVIEW AND DECISION CRITERIA FOR CU 18-07

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

- A. Acceptable modification requests of an approved plan or existing development may be processed as a ministerial decision with, no notice or hearing, by the City Planner only if the following threshold criteria can be met:** [SHMC 17.80.060(A)]
 - a. There will be no change in land use;** [SHMC 17.80.060(A)(1)]
 - b. The proposed change does not result in an increase in the overall impacts to adjacent properties;** [SHMC 17.80.060(A)(2)]
 - c. There is no increase in the amount of operational activity;** [SHMC 17.80.060(A)(3)]
 - d. The proposed change does not violate the standards of the land use zone;** [SHMC 17.80.060(A)(4)]
 - e. The proposed change does not result in a change to lot or parcel boundary lines.** [SHMC 17.80.060(A)(1)]
- B. Proposed changes that do not meet the above criteria shall be processed as a new application.** [SHMC 17.80.060(B)]

Findings: The plot plan proposed in this application was reviewed as a part of the conditional use permit application for CU 18-05; which was reviewed and approved by the Planning Commission. As a result, staff finds that the variance would not modify the request to use the subject property as a church. A new conditional use permit application is not needed.

IV. REVIEW AND DECISION CRITERIA FOR VR 18-03

The review and decision criteria for a variance are listed below in bold. Findings and analysis are provided under each review and decision criterion.

- A. A determination that the criteria have been met involves the balancing of competing and conflicting interests. The following considerations may be used as guidelines in the granting authority's deliberations.**
- a. Whether the situation that created a need for a variance was created by the person requesting the variance;**
 - b. The economic impact upon the person requesting the variance if the request is denied;**
 - c. An analysis of the physical impacts the development could have, such as visual, noise, traffic, and increased potential for drainage, erosion or landslide hazards;**
 - d. Preservation of native tree species such as Oregon White Oak and Pacific Madrone over eight inches in caliper or Douglas Fir, Willamette Valley Ponderosa Pine, Big Leaf Maple, Incense and Western Red Cedar over 12 inches in caliper, measured at four and one-half feet above grade on the uphill side;**
 - e. Whether the proposal impacts the aesthetics of the property. [SHMC 17.88.050(A through E)]**

Findings: The criteria for a variance are listed in Subsection B below. The above section of the SHMC provides a list of considerations that may be used when evaluating each of the criteria.

- B. The criteria that shall be used in approving, approving with conditions, or denying a requested variance will be based on findings with respect to compliance with each of the following criteria, if applicable.**
- a. The development resulting from an approved variance will not be detrimental to public health or safety; [SHMC 17.88.040(A)]**

Findings: The applicant and staff have not identified any significant adverse impacts to public health or safety that would result from approval of this application. The proposed addition would extend approximately 12 feet along the front property line and then approximately 48 feet toward the rear of the property. See Attachment B. This is a relatively straight portion of Main Street, and staff has not identified any access visibility issues that would occur from approval. ODOT commented on the application and did not raise concerns with the proposal. The application complies with this criterion.

- b. The request is not in conflict with the Comprehensive Plan; [SHMC 17.88.040(B)]**

Findings: The applicant's proposal would establish an addition to a previously approved church on the property. The addition would not change the use of the property. Staff has not identified any reasons why the proposal would conflict with the Comprehensive Plan.

- c. The request is the minimum variance necessary to make reasonable use of the property; [SHMC 17.88.040(C)]**

Findings: The applicant has proposed this variance in order to convert the existing building into a church in a way that meets their needs. According to the applicant, the addition would accommodate restroom and kitchen facilities. These would be placed in logical proximity to the area that would be used for their fellowship hall. The addition would extend 12 feet along the front property line; which is relatively minimal.

- d. The requested variance is consistent with the purposes of the zone; [SHMC 17.88.040(D)]**

- i. **The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential for such activity as long as sufficient vehicular access control is maintained. [SHMC 17.36.010]**

Findings: The applicant's proposal would facilitate the use of the property as a church. Staff has not identified any issues pertaining to vehicular access that would result from approval. ODOT did not identify any concerns with this proposal. Staff concludes that the application complies with this proposal.

- e. **If more than one variance is requested or needed, the cumulative effect of the variances will result in a project that remains consistent with the purposes of the zone; [SHMC 17.88.040(E)]**

Findings: The applicant is requesting a front setback variance. Staff has not identified any additional variances that are needed. The application complies with this criterion.

- f. **Identified negative impacts resulting from the variance can be mitigated to the extent practical; [SHMC 17.88.040(F)]**

Findings: Staff has not received any written comments from neighboring property owners as of the writing of this staff report. Staff has not identified any significant negative impacts that would occur if this variance is granted.

- g. **The location, size, design characteristics and other features of the proposal shall have minimal adverse impacts on property values, livability of the permitted development in the surrounding area, and the natural environment; [SHMC 17.88.040(G)]**

Findings: As proposed in the application, the requested variance would allow at 12 foot by 48 foot addition to an existing church building. See Attachment B. The addition would maintain a setback that is consistent with the existing building. Staff has not identified any significant negative impacts that would result from granting the variance. As of the writing of this staff report, staff has not received any written comments from neighboring property owners concerning this proposal. Staff has not identified any significant adverse impacts on property values, neighborhood livability, and the natural environment that would occur with the recommended conditions of approval.

- h. **The property has a physical circumstance or condition that makes it difficult to develop. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws. [SHMC 17.88.040(H)]**

Findings: The applicant is requesting a variance in order to add to an existing structure that currently does not meet the setback requirements of the zone. It is likely that the right-of-way for Main Street/Highway 20 has expanded over time and reduced the front property line setback of the existing building on the property. The physical circumstance that makes the property difficult to develop is the location of the existing church building.

- C. **A variance shall be void one year, or other time specifically set by the Planning Commission, after the date of the Planning Commission approval if the development has not been substantially established within that time period. [SHMC 17.88.060]**

Findings: As required under this section, if this application is approved, the variance 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 17.88.060, within that time period.

V. CONCLUSION AND RECOMMENDATION

Staff recommends that these applications be approved. This proposal is the same as what was presented in CU 18-05. Approval of these applications would clarify the approval of the needed setback variance. If approved, the applicant would need to comply with all other sections of the SHMC, state, and federal law.

VI. PLANNING COMMISSION ACTION

In taking action on a Conditional Use Permit and Variance application, the Planning Commission will hold a public hearing at which it may either approve or deny the application(s). If the applications are denied, the action must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval.

Appeal Period: Staff 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 applications are approved.

Motion:

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

1. Move to approve applications VR 18-03 and CU 18-07; including the setting of a 12-day appeal period from the date of the mailing of the decision, and direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications VR 18-03 and CU 18-07; including the setting of a 12-day appeal period from the date of mailing of the decision, and 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.

VII. ATTACHMENTS

A - Subject Property Map

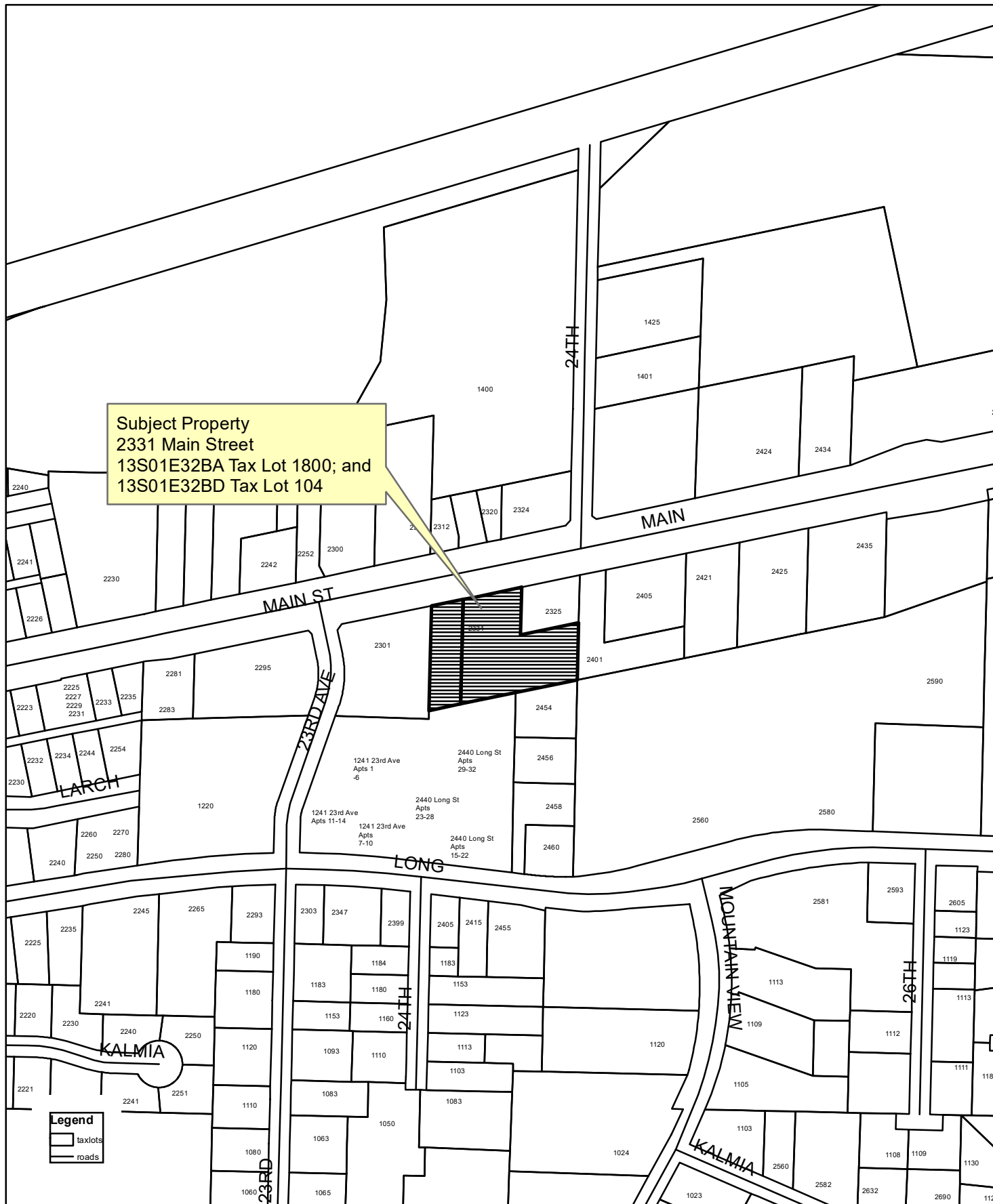
B - Plot Plan Depicting Proposed Building Addition Location

C - Planning Record: Application and Supporting Documentation

D - Order of Approval and Staff Report for CU 18-05 with Attachments A through D

City of Sweet Home Planning Map
VR 18-03 and CU 18-07

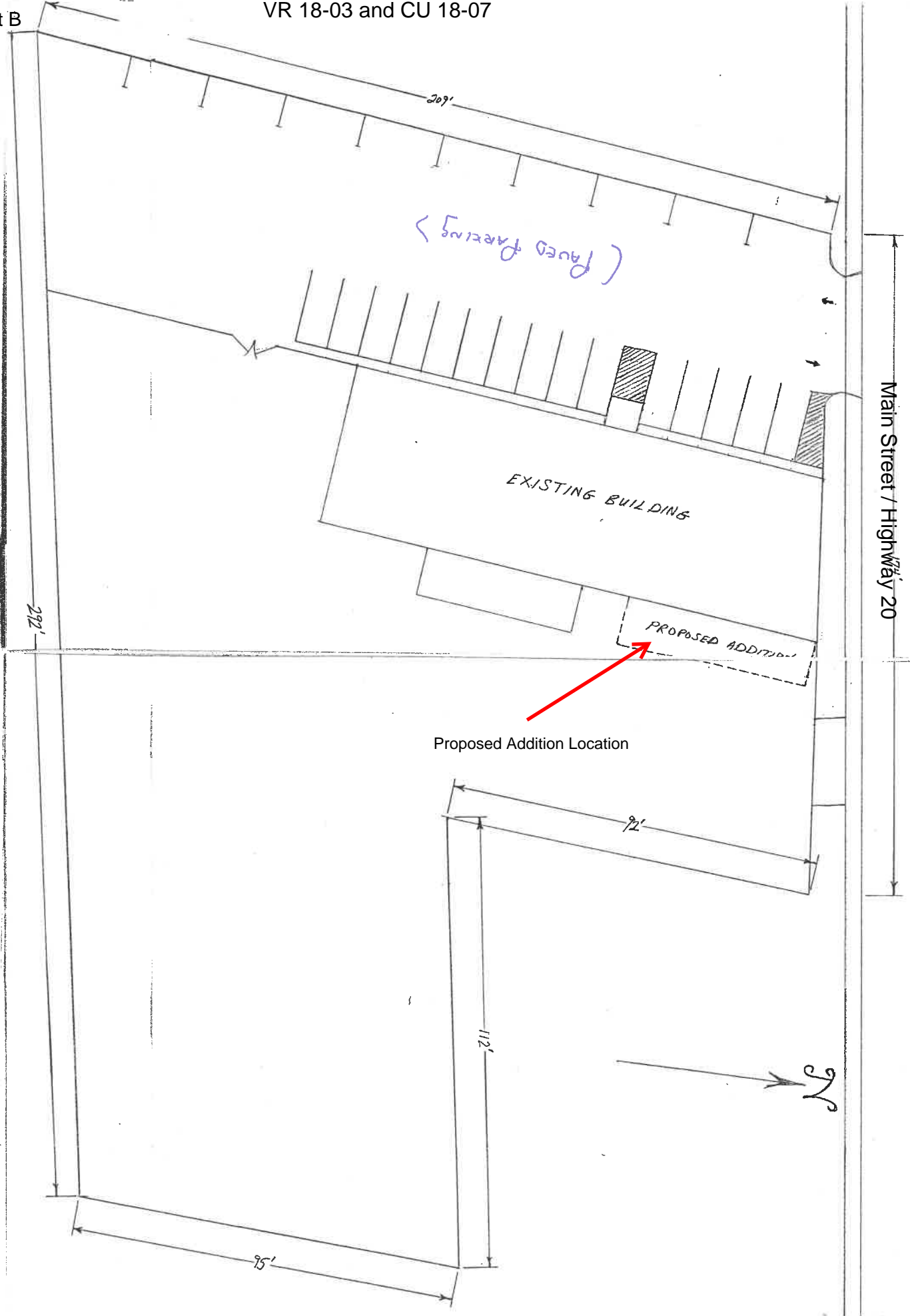
Attachment A



0 65 130 260 390 520 Feet 1 inch = 250 feet

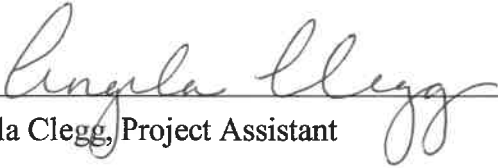


2331 Main Street
Sweet Home, OR 97386



CERTIFICATE OF POSTING VR 18-03

I, Angela Clegg, of the City of Sweet Home Community and Economic Development Department, did personally post the Notice of Public Hearing and Request for Comment to the New Era on May 16, 2018.



Angela Clegg, Project Assistant

05.16.18

Date

Angela Clegg

From: CASWELL Matthew C <Matthew.C.CASWELL@odot.state.or.us>
Sent: Tuesday, May 15, 2018 1:41 PM
To: Angela Clegg
Cc: WAHL Carla S; DETERING Lynn
Subject: FW: VR 18-03 and CU 18-07 Notice of Public Hearing and Request for Comment
Attachments: Notice Map 1 VR 18-03 and CU 18-07.pdf; Notice Map 2 VR 18-03 and CU 18-07.pdf; Notice VR 18-03.docx

Angela,

Thank you for the opportunity to review and comment on the attached land use notice. ODOT has no objections, conditions or requirements in regards to the use of the existing approach to this property and the proposed variance to the 20' setback as mentioned in the notice.

Thank you,

Matt Caswell, P.E.

Oregon Department of Transportation
Development Review Coordinator
Region 2, 455 Airport Rd SE, Bldg. B
Salem, OR 97301-5395
503.986.2849 (Office)
503.986.2630 (FAX)
e-mail: matthew.c.caswell@odot.state.or.us



From: Angela Clegg [<mailto:aclegg@ci.sweet-home.or.us>]
Sent: Tuesday, May 15, 2018 12:44 PM
To: Brandon Neish; Greg Springman; Jeff Lynn; Raymond Towry; Albany Eastern Railroad; CenturyLink; Comcast Cable Corporation; Jason; KFIR; KGAL; Matt Caswell; Mia Nelson; mkm; Northwest Natural; ODOT Rail Division; Pacific Power; robin; Steve Kaye; Sweet Home Fire; USPS; WCNX; Jerry Sorte
Subject: VR 18-03 and CU 18-07 Notice of Public Hearing and Request for Comment

Please review the attached Notice of Public Hearing and Request for Comment.

Angela Clegg

Project Assistant
City of Sweet Home
(541) 367-8113
aclegg@ci.sweet-home.or.us
www.ci.sweet-home.or.us



Confidentiality Notice: This e-mail message and all attachments transmitted with it may contain legally privileged and confidential information intended solely for the use of the addressee. If you have received this message by mistake, please notify us immediately by replying to this message or telephoning us, and do not review, disclose, copy or distribute it. Thank you.

Public Records Law Disclosure: This e-mail is a public record of the City of Sweet Home and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

CERTIFICATE OF MAILING VR 18-03

I, Angela Clegg, of the City of Sweet Home Community and Economic Development Department, did personally mail the Notice of Public Hearing and Request for Comment to the below listed Applicants. The said materials were mailed by US Post on May 15, 2018.



 Angela Clegg, Project Assistant

05-15-18

 Date

Jerry Sorte <jsorte@ci.sweet-home.or.us>; Brandon Neish <Bneish@ci.sweet-home.or.us>; Greg Springman <gspringman@ci.sweet-home.or.us>; Jeff Lynn <jlynn@ci.sweet-home.or.us>; Raymond Towry <rtowry@ci.sweet-home.or.us>; Albany Eastern Railroad <ginny@albanyeasternrailroad.com>; CenturyLink <kerry.pozder@centurylink.com>; Comcast Cable Corporation <ryan_hansen@cable.comcast.com>; Jason <jason@friends.org>; KFIR <mailbag@kfir720am.com>; KGAL <news@kgal.com>; Matt Caswell <matthew.c.caswell@state.or.us>; Mia Nelson <mia@friends.org>; mkm <mkm@friends.org>; Northwest Natural <tjr@nwnatural.com>; ODOT Rail Division <prescott.e.mann@odot.stste.or.us>; Pacific Power <doris.johnston@pacificcorp.com>; robin <robin@friends.org>; Steve Kaye <stevekaye@quix.net>; Sweet Home Fire <dbarringer@sweethomefire.org>; USPS <wendy.r.lentz@usps.gov>; WCNX <cust2043@wcnx.org>

FULL GOSPEL CHURCH OF SWEET HOME	PO BOX 298	SWEET HOME	OR	97386
WNHS LINNHAVEN STONEBROOK LLC	257 SW MADISON AVE	CORVALLIS	OR	97333
ADR INVESTMENTS III LLC ET AL	10300 SW GREENBURG RD STE 490	PORTLAND	OR	97223
OTTA KAMBRIA R & GREG S	15 W CEDAR ST	LEBANON	OR	97355
HUTCHINS DANLEY P & LINDA L TR	PO BOX 303	SWEET HOME	OR	97386
KOCH DONALD W & MARY E	4502 LONG ST	SWEET HOME	OR	97386
RELIABLE WELDING INC	PO BOX 303	SWEET HOME	OR	97386
FAGAN JOHNIE R & EVELYN A TR	2325 MAIN ST	SWEET HOME	OR	97386
SWEET HOME CITY OF	1140 12TH AVE	SWEET HOME	OR	97386
ROEBUCK WILLIAM E	2456 LONG ST	SWEET HOME	OR	97386
ROEBUCK WILLIAM E	2454 LONG ST	SWEET HOME	OR	97386
WAITE-REYNOLDS BRIAN K	1359 NE MAYVIEW DR	ALBANY	OR	97321
CIRCLE K SWEET HOME LLC	PO BOX 52085	PHOENIX	AZ	85072
OTTA KAMBRIA R & GREG S	15 W CEDAR ST	LEBANON	OR	97355
FULL GOSPEL CHURCH OF SWEET HOME	PO BOX 298	SWEET HOME	OR	97386
HOTCHKISS FAMILY TRUST	523 ASH ST	DAYTON	OR	97114
KING MICHELLE RENEE	2458 LONG ST	SWEET HOME	OR	97386
OWEN MICHAEL & LYNN I	PO BOX 98	SWEET HOME	OR	97386
HARTMAN RONALD A MD PC	26757 ROWELL HILL RD	SWEET HOME	OR	97386
LEON MANUEL J & LOLITA C	14 THORNTON CREEK RD	TOLEDO	OR	97391
JOHN D & KATHLEEN M CVITANICH REV LIV TR	26757 ROWELL HILL RD	SWEET HOME	OR	97386

LAFRANCHI RON	580 N CENTRAL ST	COQUILLE	OR	97423
BETHEL LUTHERAN CHURCH	2590 LONG ST	SWEET HOME	OR	97386
HOPKINS ARDYTH L	959 SHERWOOD PL	EUGENE	OR	97401
FAGAN JOHNIE R & EVELYN A TR	2325 MAIN ST	SWEET HOME	OR	97386
RESIDENT	1220 23RD AVE	SWEET HOME	OR	97386
RESIDENT	1241 23RD AVE 7	SWEET HOME	OR	97386
RESIDENT	2312 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2320 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2308 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2324 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2401 MAIN ST	SWEET HOME	OR	97386
RESIDENT	1400 24TH AVE	SWEET HOME	OR	97386
RESIDENT	2456 LONG ST	SWEET HOME	OR	97386
RESIDENT	2454 LONG ST	SWEET HOME	OR	97386
RESIDENT	2404 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2312 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2331 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2460 LONG ST	SWEET HOME	OR	97386
RESIDENT	2458 LONG ST	SWEET HOME	OR	97386
RESIDENT	2421 MAIN ST 5	SWEET HOME	OR	97386
RESIDENT	2242 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2300 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2252 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2295 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2580 LONG ST	SWEET HOME	OR	97386
RESIDENT	2301 MAIN ST	SWEET HOME	OR	97386
RESIDENT	2325 MAIN ST	SWEET HOME	OR	97386



Community and Economic Development Department

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

**NOTICE OF PUBLIC HEARING AND
REQUEST FOR COMMENT**

NOTICE IS HEREBY GIVEN that the Sweet Home Planning Commission will hold a public hearing to consider the following request.

REQUEST: The applicant is requesting a front property line setback variance from 20 feet to zero feet in order to add a twelve foot addition to the Full Gospel Church of Sweet Home building. The existing church building is currently located at, or in close proximity to the front property line along Main Street (Highway 20). The proposed addition would be added to the front of the building. The addition would accommodate three restrooms and a kitchen area. A setback variance is needed to accommodate the proposed addition to the existing building.

The applicant was recently approved to convert the existing building on the property to a church by Conditional Use Approval CU 18-05. The proposed addition was depicted in the material reviewed under CU 18-05. This application would also confirm that the addition may be used for church use, and that use was permitted through the prior land use review process for CU 18-05. The subject property contains approximately 1.09 acres and is located in the Commercial Highway (C-2) Zone.

- APPLICANT:** Larry Rodgers
PROPERTY OWNER: Full Gospel Church of Sweet Home
FILE NUMBERS: VR 18-03 and CU 18-07
PROPERTY LOCATION: 2331 Main Street, Sweet Home, Oregon; Identified on the Linn County Assessor's Map as 13S01E32BD Tax Lot 104 and 13S01E32BA Tax Lot 1800.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code (SHMC) Sections 17.88.040, 17.88.050, 17.80.060, 17.84.030.
HEARING DATE & TIME: June 4, 2018 at 7:00 PM
HEARING LOCATION: City Hall Annex, Council Chambers behind City Hall at 1140 12th Avenue, Sweet Home, Oregon
STAFF CONTACT: Jerry Sorte. Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

You may submit comments or recommendations prior to or at the public hearing. Written comments submitted by May 24, 2018 will be included in the staff report that is provided to the Planning Commission. Written comments that are submitted after that time, but prior to the hearing will be presented to the Planning Commission at their public hearing. Comments may be emailed to jsorte@ci.sweet-home.or.us or mailed or submitted to the Community and Economic Development Department office at City Hall, 1140 12th Ave, Sweet Home, Oregon 97386. Please include the file number in the subject line of your comment.

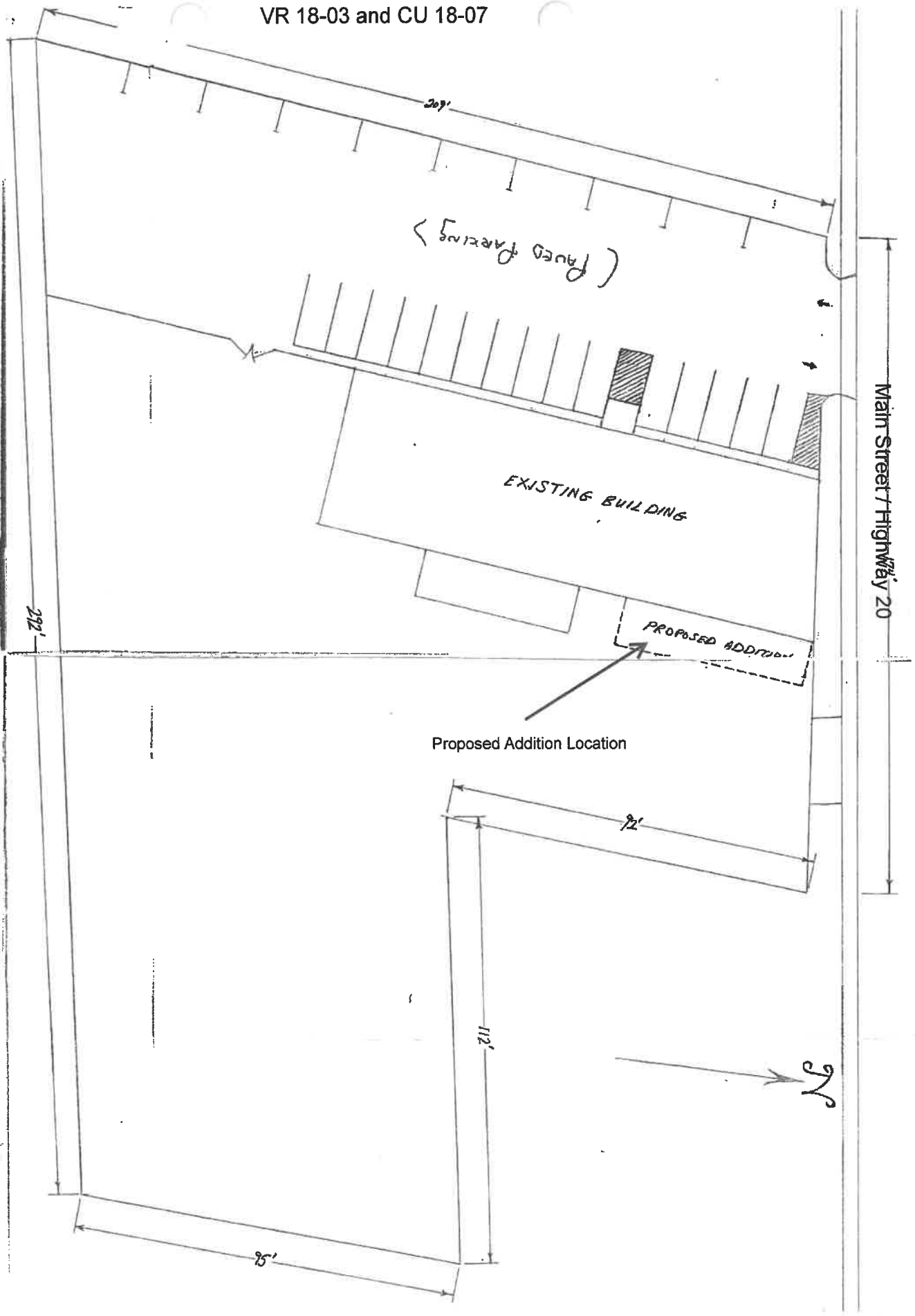
The failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

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 1140 12th Ave, Sweet Home, Oregon 97386; Phone: (541) 367-8113.

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 location of the meeting is accessible to persons with disabilities. If you have a disability that requires accommodation, please notify the Community and Economic Development Department Office in advance of the meeting by calling (541) 367-8113.

VR 18-03 and CU 18-07



Main Street / Highway 20

EXISTING BUILDING

PROPOSED ADDITION

Proposed Addition Location

N



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

Community and Economic Development Department

Application for a Zoning Variance

Date Received: 05/07/18
 Date Complete: _____
 File Number: VB 18-0103
 Application Fee \$554:300 ^{per JS}
 Receipt #: 75832
 Hearing Date: _____

Applicant's Name: LARRY RODGERS
 Applicant's Address: P.O. Box 597 Sweet Home, OR 97386
 Applicant's Phone and e-mail: 541 367-8662
 Subject Property Address: 2331 MAIN STREET Sweet Home, ' "
 Subject Property Assessor's Map and Tax Lot: 13501E32BA Tax Lot 1800 and 13501E32BD Tax Lot 104
 Subject Property Size: 1.09 ACRES
 Subject Property: Zoning Classification C-2

Property Owner: Full Gospel Church of Sweet Home
 Owner's Address: P.O. Box 298 Sweet Home, OR 97386
 Owner's Phone and email: 541 367-1201
 Comprehensive Plan Classification: Highway Commercial

Nature of Applicants Request

Variance Request from Sweet Home Municipal Code Sections:

Narrative describing the proposed variations from the stated code sections. Brief Description on this form and attach extra sheets if needed.

We are requesting a VARIANCE from the 20' set back for a 12' addition to our proposed church facility.

Description of the alternatives considered and the reason for the choices made.

'SEE ATTACHED'

A brief review of how the application meets the review criteria. Attach sheets if needed.

'SEE ATTACHED'

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: Larry A. Rodgers (Church board member)

Date: May 7, 2018

Property Owner's Signature:

Date:

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 17.88.030 APPLICATION REQUIREMENTS

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

- 1. A site plan drawn to scale, considering, but not limited to, the following:
 - a. Dimensions and arrangement of the existing development.
 - b. Dimensions and arrangement of the proposed development.
 - c. Adjoining properties, streets, alleys, structures and drainage ways.
 - d. Identification of all requested variations from Code.
 - e. Vehicle and pedestrian access ways.
 - f. Fences and walls.
 - g. Off street parking areas.
 - h. Natural features, such as waterways, floodplain, floodway, riparian areas, wetlands, trees, topography, etc.
- 2. Narrative describing the requested variation(s), alternatives considered, and the reason for the choices made.
- 3. A review of how the application meets the review criteria.

SHMC17.88.040 VARIANCE CRITERIA.

The criteria that shall be used in approving, approving with conditions, or denying a requested variance will be based on findings with respect to compliance with each of the following criteria, if applicable.

- A. The development resulting from an approved variance will not be detrimental to public health or safety.
- B. The request is the minimum variance necessary to make reasonable use of the property.
- C. The requested variance is consistent with the purposes of the zone.
- D. If more than one variance is requested or needed, the cumulative effect of the variances will result in a project that remains consistent with the purposes of the zone.
- E. Identified negative impacts resulting from the variance can be mitigated to the extent practical.
- F. The location, size, design characteristics and other features of the proposal shall have minimal adverse impacts on property values, livability of the permitted development in the surrounding area, and the natural environment.
- G. The property has a physical circumstance or condition that makes it difficult to develop.

Addition to Zoning Variance Application to proposed church facility addition.

Full Gospel Church of Sweet Home

Location- 2331 Main Street, Sweet Home

We are requesting a variance from the normally required 20' set back for a 12 x 48 addition to our proposed church facility. The addition is to accommodate the addition of 3 restrooms and a kitchen area.

The addition would add on to the current building 12' EAST and run south approximately 48' to one of the existing exit doors.

This particular choice was made because it would run parallel to the area that will be used as our fellowship hall. This would make it the most accessible for use in our church functions- especially weddings, memorial services and basic church fellowship functions. Also, all the main plumbing would be in one main area and therefore would be more functional and cost effective.

Criteria Used:

If a variance were approved, it would extend the current front of the building only 12 feet and follow the current line of the face of the building as it now exists along the highway frontage.

With an extension of only 12' East, it would not interfere with the current access to the property, or restrict visibility to and from the said property. Also this would not have any negative impact on any neighbors or businesses within the area. There would be no impact on health or safety in the community.

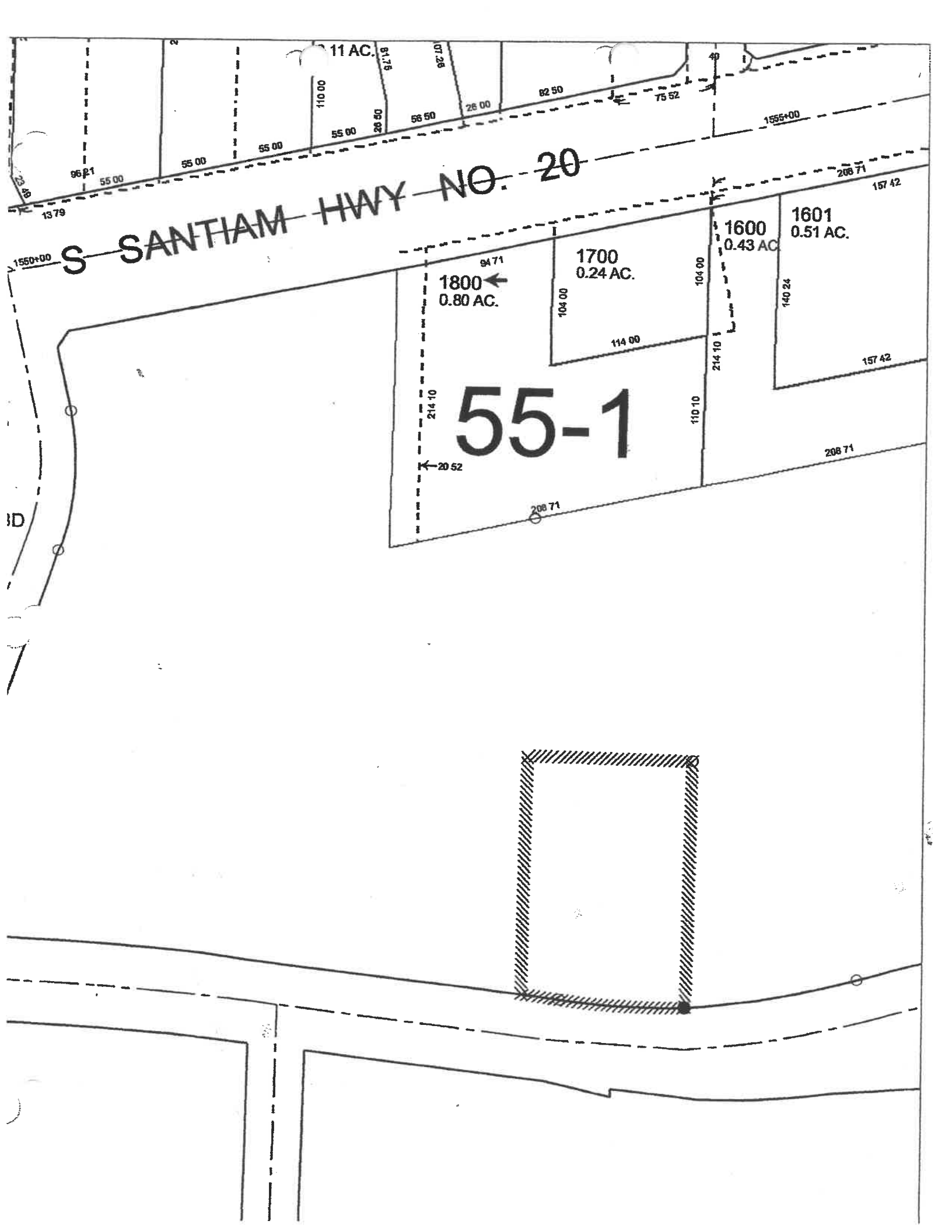
The request is not in conflict with the Comprehensive Plan which is Highway Commercial and would complement the current building for church use.

The small addition along with the improvements on the existing building should help add to the value and desirability to other properties in this area.

Sincerely,

Larry Rodgers

Church Board Member



11 AC.

S SANTIAM HWY NO. 20

55-1

1800
0.80 AC.

1700
0.24 AC.

1600
0.43 AC.

1601
0.51 AC.

1550+00

1379

1555+00

94 71

104 00

104 00

140 24

214 10

214 10

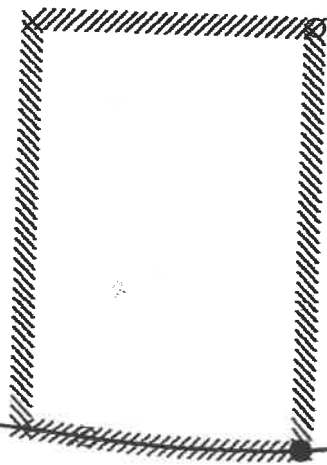
110 10

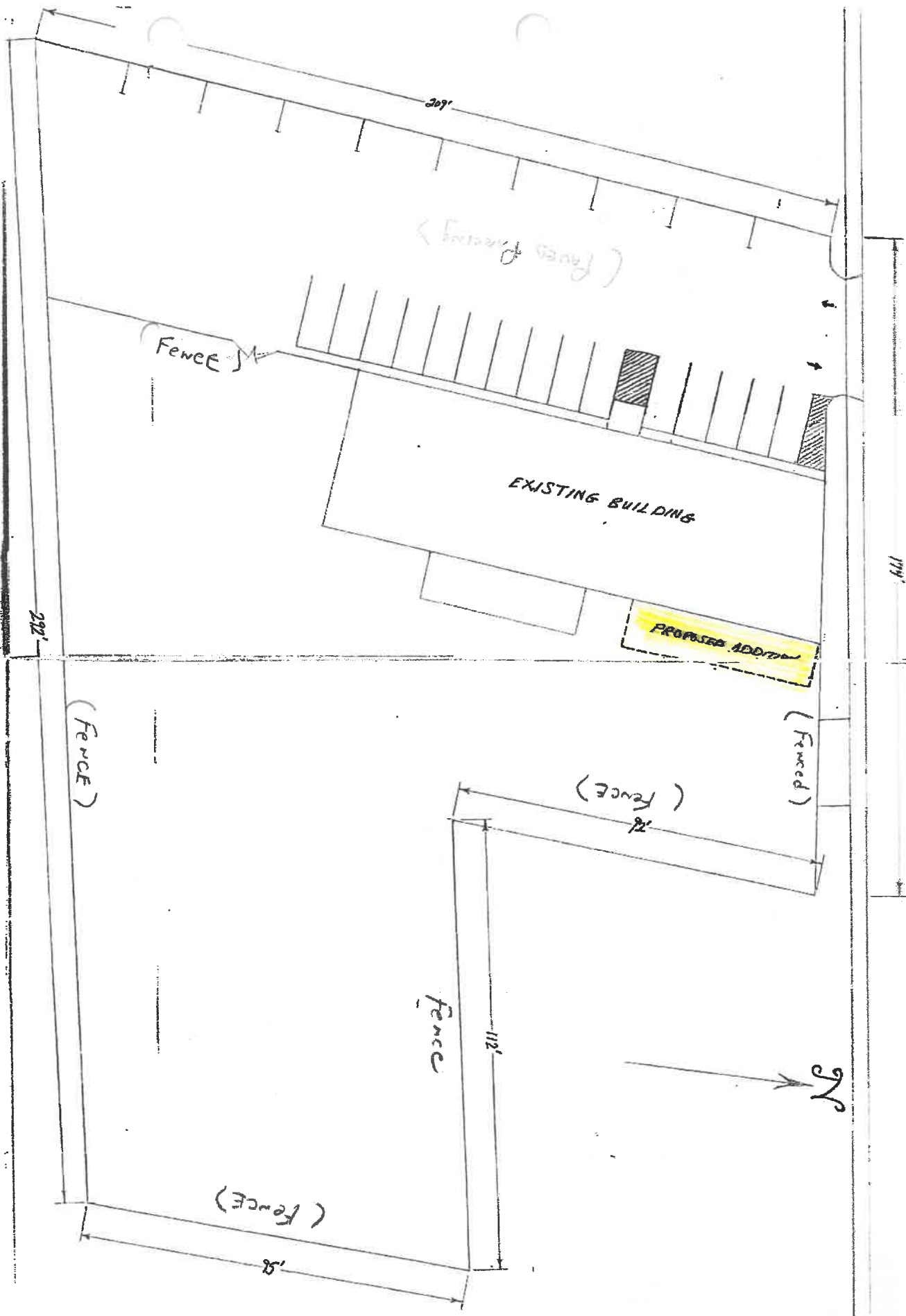
208 71

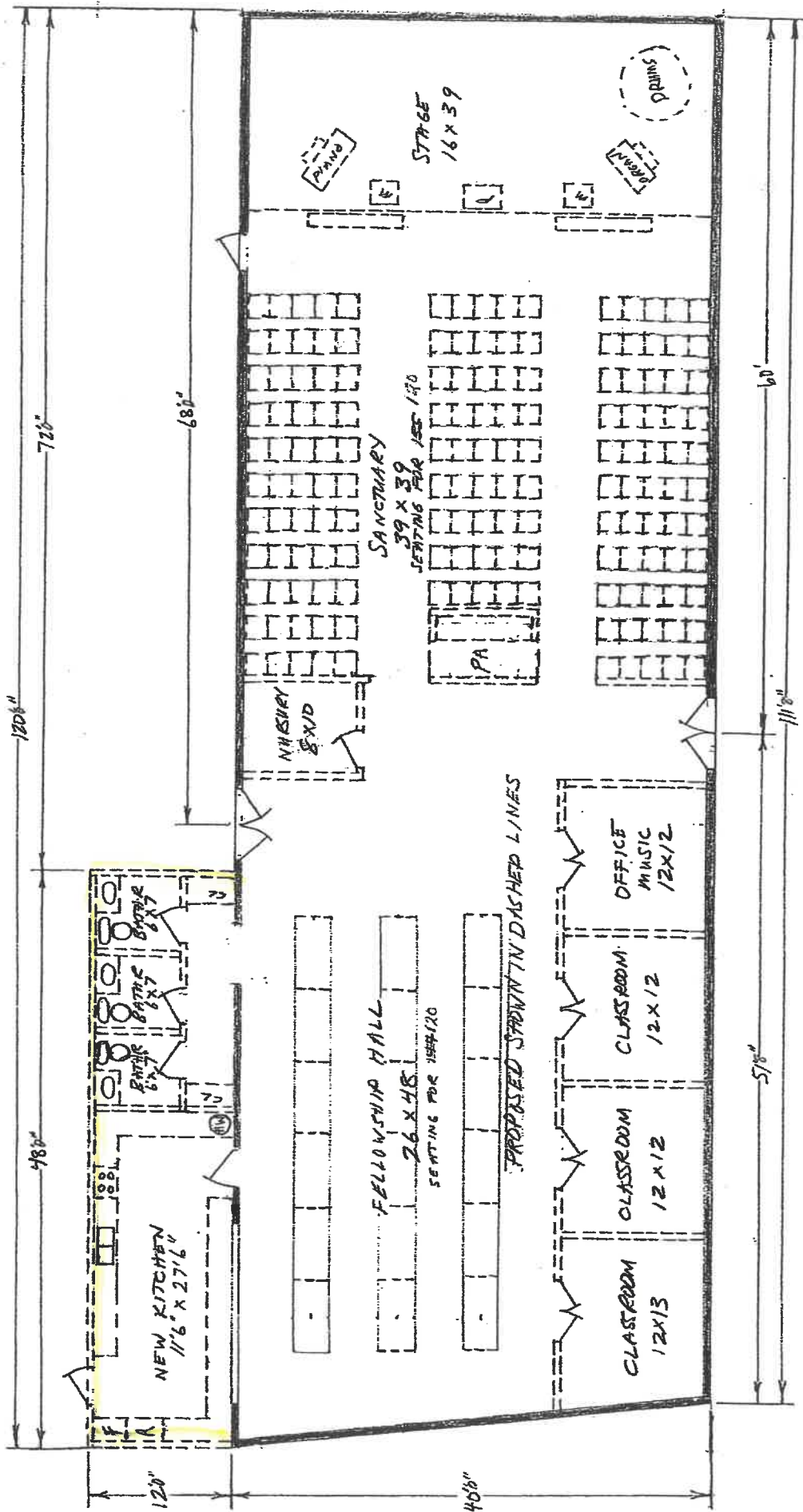
20 52

208 71

157 42







SCALE: 1/8" = 1'0" DASHED LINES ARE PROPOSED REMOVE PROPOSED REMOVE RE FULL GOSPEL CHURCH OF



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

REQUEST: The applicant is requesting a conditional use permit in order to establish a church on a property zoned Commercial Highway (C-2). The subject property contains approximately 1.1 acres.

APPLICANT: Tom Grenz
PROPERTY OWNER: Full Gospel Church of Sweet Home
FILE NUMBER: CU 18-05
PROPERTY LOCATION: 2331 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BA Tax Lot 1800 and 13S01E32BD Tax Lot 104.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.80.040, 17.36.030(A)
STAFF CONTACT: Jerry Sorte, CED Director.
Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

DECISION: Approved. The Planning Commission held a public hearing at their meeting on March 19, 2018 to consider application CU 18-05. The Planning Commission deliberated on this matter, and approved application CU 18-05. The approval authorizes use of the existing building and parking lot on the subject property for church use. The Planning Commission's Order of Approval is attached.

EFFECTIVE DATE: April 9, 2018 at 5:00 PM. This conditional use permit shall be void one year after the date of the Planning Commission approval if the use has not been substantially established, as defined in SHMC 17.80.070, within that time period. Extension(s) may be granted as permitted in the SHMC.

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 April 9, 2018 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, 1140 12th Ave, 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 Katie Wilcox in 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, 1140 12th Ave, Sweet Home, OR 97386; (541) 367-8113.

BEFORE THE SWEET HOME PLANNING COMMISSION

In the matter of the application) Conditional Use Application
of Tom Grenz) File # CU 18-05
)

ORDER OF APPROVAL

I. Nature of Application

The applicant, Tom Grenz, is requesting a conditional use permit in order to establish a church on a property zoned Commercial Highway (C-2). The property is owned by Full Gospel Church of Sweet Home. The subject property contains approximately 1.1 acres. The subject property is identified as 2331 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor’s Map as 13S01E32BA Tax Lot 1800 and 13S01E32BD Tax Lot 104. The review criteria are listed in Sweet Home Municipal Code Section(s) 17.80.040 and 17.36.030(A).

II. Public Hearing

The Sweet Home Planning Commission held a public hearing on March 19, 2018. At the hearing the Planning Commission reviewed Conditional Use application CU 18-05. After receiving testimony and deliberating on this matter at their March 19, 2018 meeting, the Planning Commission passed a motion to approve application CU 18-05, requesting to use the existing building and parking lot on the subject property as a church. That motion of approval specified a 12-day appeal period, and directed staff to prepare this order to memorialize the Planning Commission’s decision. Specific conditions of approval were not required; however, the applicant will need to comply with all applicable local, state, and federal development standards.

III. Finding of Fact

The Sweet Home Planning Commission considered the Findings of Fact listed in Section III of the Staff Report presented to the Planning Commission dated March 12, 2018 as well as the testimony presented at the March 19, 2018 public hearing and evidence in the record.

IV. Decision and Conditions of Approval

Based on the findings referenced in Section III of this order, the Planning Commission finds that the proposed conditional use permit complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby **approves** application CU 18-05 to use the existing building on the subject property and parking lot for church use.

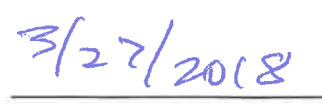
This conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined in SHMC 17.80.070, within that time period. Extension(s) may be granted as permitted in the SHMC.

V. Appeal Dates

The Planning Commission's action may be appealed to the Sweet Home City Council pursuant to Sweet Home Municipal Code Section 17.12.090. As stated by the Planning Commission at their March 19, 2018 meeting, this decision shall be subject to a 12-day appeal period. An action must be appealed within 12 days from the date that the notice of decision is mailed.



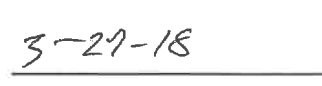
Lance Gatchell, Planning Commission Chair



Date



Jerry Sorte, Community and Economic Development Director



Date

City of Sweet Home Planning Map
CU 18-05



0 65 130 260 390 520 Feet 1 inch = 250 feet



2331 Main Street
Sweet Home, OR 97386



Community and Economic Development Department

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit in order to establish a church on a property zoned Commercial Highway (C-2). The subject property contains approximately 1.1 acres.

APPLICANT: Tom Grenz
PROPERTY OWNER: Full Gospel Church of Sweet Home
FILE NUMBER: CU 18-05
PROPERTY LOCATION: 2331 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BA Tax Lot 1800 and 13S01E32BD Tax Lot 104.
REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.80.040, 17.36.030(A)
HEARING DATE & TIME: March 19, 2018 at 7:00 PM
HEARING LOCATION: City Hall Annex, Council Chambers behind City Hall at 1140 12th Avenue, Sweet Home, Oregon 97386
STAFF CONTACT: Jerry Sorte, CED Director. Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us
REPORT DATE: March 12, 2018

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject property contains approximately 1.1 acres, and is located in the Commercial Highway (C-2) Zone. The applicant is proposing to use the property for church uses; which include church worship meetings and men's and woman's group meetings.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Table with 3 columns: Property, Zoning Designation, Comprehensive Plan Designation. Rows include Subject Property, Property North, Property East, Property South, and Property West.

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

Wetlands: The subject property does not contain inventoried wetlands based on a review of the Sweet Home Local Wetlands Inventory and National Wetlands Inventory (NWI) Map.

Access: The subject property has access to Main Street.

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

TIMELINES AND HEARING NOTICE: Application CU 18-05 was received on February 22, 2018. The application was deemed complete when the applicant submitted additional information on February 27, 2018. The “120-day” completion deadline is June 22, 2018. On February 27, 2018, staff mailed notice of the March 19, 2018 Planning Commission public hearing to property owners and residents within 300 feet of the property as well as applicable service agencies and interested parties. Notice of the hearing appeared in The New Era Newspaper on March 4, 2018. Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

Engineering Division: See Attachment D for full comments.

Building Division: The Building Program has no issues with this request. We have spoken with church members about possible renovation inside the structure, and have advised them of the possible need for permit(s), and requested they contact us prior to work commencing.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. 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: A church may be established as a conditional use in the C-2 zone. The property is not located in an overlay zone. With the application of the conditional use permit standards SHMC 17.80, 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.** [SHMC 17.80.040(B)]

Staff Findings: The applicant is requesting this conditional use permit in order to establish a church on the subject property.

1. Building size – The proposed church would occur within an existing building; which according to the Linn County Assessor records contains approximately 4,320 square feet. The applicant has not indicated the need to construct any additional buildings to accommodate the church.

2. Parking and Traffic – As with any development, it will be the ongoing responsibility of the property owner to provide parking as required by SHMC Section 17.08.090. Based on a review of the information in the record, the subject property would need to provide:

One space per four seats or eight feet of bench length in the main auditorium, or if seating is not fixed to the floor, one space per 60 square feet of floor area. [SHMC 17.08.090(H)(6)].

The information indicates that the main auditorium would contain 155 seats. This would require 39 parking spaces. According to the applicant, the property contains 21 parking spaces. The applicant would need to either develop the additional parking spaces or reduce the number of seats in the main auditorium prior to use as a church. A parking plan would need to be review prior to the issuance of building permits for conversion of the building to a church; or if no building permits are require; prior to use of the building as a church.

- 3. Noise – The applicant has not indicated that the proposed church is sensitive to neighborhood noise levels.
- 4. Vibration – The applicant has not indicated that the proposed church is sensitive to vibrations.
- 5. Exhaust and emissions – The proposed church is not anticipated to be adversely impacted by exhaust or emissions that are normal and customary in a residential zone.
- 6. Light and glare – The applicant has not indicated that the proposed use would be adversely impacted by typical light and glare that is normal in a residential zone.
- 7. Erosion – Staff has not identified any significant impacts from erosion that would preclude the proposed development.
- 8. Odor – The applicant has not indicated that the proposed church would be adversely impacted by odor that is normal and customary in the C-2 zone.
- 9. Dust – The proposed church is not anticipated to be adversely impacted by dust that is normal and customary in the C-2 zone.
- 10. Visibility – The applicant has not indicated any concerns pertaining to visibility.
- 11. Safety – The applicant has not indicated any concerns pertaining to safety.
- 12. Building, landscaping or street features – The proposed home occupation would generate traffic to the subject property. It would be the responsibility of the applicant to obtain the

necessary access permit to Main Street from the Oregon Department of Transportation and to provide parking to the specifications of the SHMC.

Based on the above findings, staff finds that the site size, dimensions, location, topography and access are adequate for the needs of the proposed use.

- 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 primary impacts associated with the church on surrounding property that have been identified by staff pertain to vehicle access to and from the property and parking on the property. Application of the SHMC parking standards and requiring the applicant to obtain any necessary permit from ODOT should minimize these potential impacts.

- 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: The subject property has access to Main Street and is connected to City sewer and water. The Engineering Division's comments are included as Attachment D. Staff notified, but has not received comment from ODOT on this application. The applicant shall obtain a new or amended access permit to Main Street/Highway 20 if required by ODOT.

Staff finds that there are adequate public facilities in place to accommodate the proposed use.

- E. 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]**

- a. These conditions may include, but are not limited to, the following:**
- i. Requiring larger setback areas, lot area, and/or lot depth or width;**
 - ii. Limiting the hours, days, place and/or manner of operation;**
 - iii. Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;**
 - iv. Limiting the building height, size or lot coverage, or location on the site;**
 - v. Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;**
 - vi. Increasing the number of required parking spaces;**
 - vii. 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;**
 - viii. Limiting the number, size, location, height and lighting of signs;**
 - ix. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;**
 - x. 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;**
 - xi. Designating sites for open space or outdoor recreation areas;**

- xii. **Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;**
- xiii. **Requiring ongoing maintenance of buildings and grounds;**
- xiv. **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.

Prior to operation of the church, the applicant would need to obtain all necessary local, state, and federal permits. These may include a change of occupancy permit from the Building Division, including a detailed parking plan that meets all of the requirements of the SHMC, and a new or amended access permit from the Oregon Department of Transportation. The Parking Lot would need to be constructed to the requirements of the Engineering Division. See Attachment D. These are the same requirements that are applied to all permitted uses in the C-2 zone. Staff has not identified any impacts from the church that would not otherwise be mitigated by applying the provisions of the SHMC and the existing requirements of state law.

F. 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

Staff recommends that this application be approved. Staff does not recommend any additional conditions of approval beyond the development standards that already apply to the use. Appeals to the Land Use Board of Appeals (LUBA) may only be based on Review and Decision Criteria listed above.

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.

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.

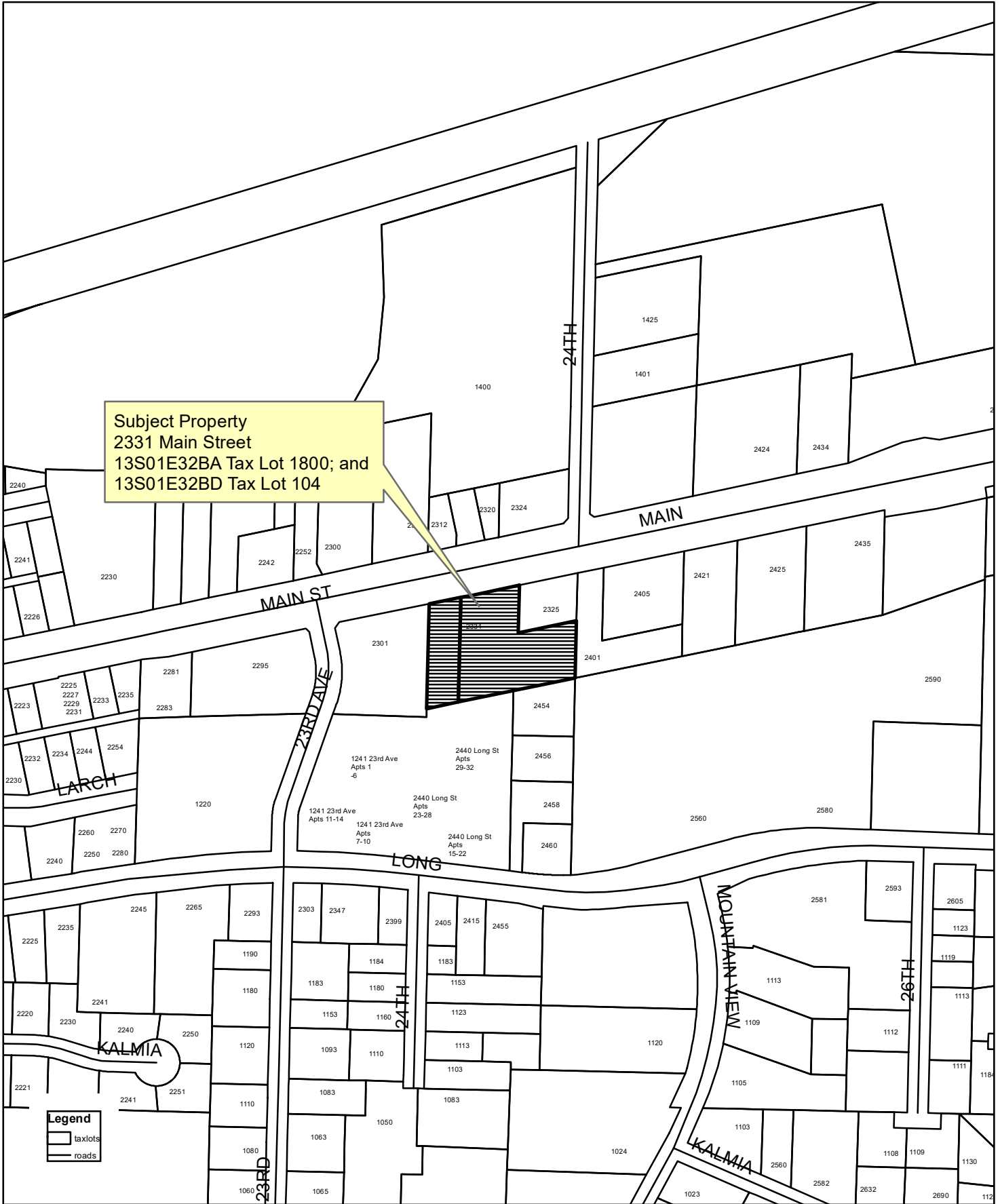
Motion:

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

1. Move to approve application CU 18-05; including any conditions of approval (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU 18-05; including the setting of a 12-day appeal period from the date of mailing of the decision, and 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 - Plot Plan
- C - Aerial Photograph, Floodplain, Wetland Inventory Map
- D - Engineering Division Comments
- E - Planning Record as of March 11, 2018



Subject Property
 2331 Main Street
 13S01E32BA Tax Lot 1800; and
 13S01E32BD Tax Lot 104

Legend
 [Symbol] taxlots
 [Symbol] roads



0 65 130 260 390 520
 Feet 1 inch = 250 feet



2331 Main Street
 Sweet Home, OR 97386





Subject Property
 2331 Main Street
 13S01E32BA Tax Lot 1800; and
 13S01E32BD Tax Lot 104

Legend

- taxlots
- roads



2331 Main Street
 Sweet Home, OR 97386

MEMORANDUM



TO: Planning
FROM: Trish Rice, PW Engineering
DATE: March 5, 2018
SUBJECT: Planning Application Review CU 18-05

OWNER: Full Gospel Church of Sweet Home
ADDRESS: PO Box 298
Sweet Home OR 97386
PROPERTY: 32BA-1800 & 32BD-104 (2331 Main St)

PROJECT DESCRIPTION: The applicant is requesting a conditional use permit in order to establish a church on a property zoned Commercial Highway (C-2). The subject property contains approximately 1.1 acres.

STREETS: Main St has 98 ft ROW and 73 ft curb-to-curb width. Main St is fully improved. There is a ~18 ft driveway on lot 1800 which leads to a fenced gravel parking lot. There is a ~27 ft driveway on lot 104 which leads to a paved parking lot.

Any street improvements will be required to satisfy the minimum standards according to the Transportation System Plan. An Oregon Department of Transportation, Highway Division Permit will be required to work within the Right of Way.

DRAINAGE: Curbside drainage is collected via catch basin in to a 12" storm main on the north side of Main St which flows west to 2230 Main St, then north through private property into the drainage system on the Linn County property, northwest to 18th Ave, and into Cotton Creek North Fork.

If substantial upgrades to the structure are required, or if additional paved parking is required, then the parking lot drainage would be required to be updated with modern water quality controls. If >10,000sf of impervious area is added then stormwater detention would be required.

A Division of State Lands Permit may be required to work on the drainway. When doing any work to, in, or around any drainage systems, general Stormwater management and Control Best Management Practices (BMP's) will be followed and permitted when required by State Program(s).

WATER: There is an 8" water main on the south side of Main St. The subject property is connected to City water.

SEWER: There is a 6" sewer main on the south side of Main St. The subject property is connected to City sewer.

EASEMENTS: None known at this time.

MISCELLANEOUS: None known at this time.

MAP REVIEW: None known at this time.

SUMMARY:

Planning Application Review

- Review request: Engineering has no issues at this time.
- Development & Construction Issues: If substantial upgrades to the structure are required, or if additional paved parking is required, then the parking lot drainage would be required to be updated with modern water quality controls. If >10,000sf of impervious area is added then stormwater detention would be required.

REVIEWED BY: Trish Rice, Tech 1

APPROVED BY: Joseph Graybill, Staff Engr



Community and Economic Development Department

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

Staff Report Presented to the Planning Commission

This legislative amendment consists of text amendments to Title 17 of the Sweet Home Municipal Code (SHMC); Zoning Ordinance. The text amendments implement the changes to the Oregon Revised Statutes (ORS) resulting from the passage of SB 1051 (2017). The proposed changes to the SHMC include new standards for accessory dwellings in zones that permit single family dwellings, as well as changes to the time requirement to process certain affordable housing applications. The text amendments included updated definitions of the uses that are included as a part of church.

This proposal includes amendments to following chapters of the SHMC: 17.04; Title, Purpose and Definitions; 17.12 Administration and Enforcement; 17.08; General Provisions; 17.24; R-1, Residential Low-Density Zone, 17.28, R-2 Residential High-Density Zone; 17.30 R-3 Medium Density Residential Zone; 17.31 R-4 Residential Mixed Use Zone; 17.60 RC Recreation Commercial Zone; 17.68 R/M(T) Residential Industrial Transitional Zone; C-1 Commercial Central Zone; C-2 Commercial Highway Zone; C-3 Commercial Neighborhood Zone.

FILE NUMBER: LA 18-01

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s): 17.12.010; 17.12.020; SB 1051 (2017); Sweet Home Comprehensive Plan

STAFF CONTACT: Jerry Sorte, CED Director.
Phone: (541) 367-8113; Email: jsorte@ci.sweet-home.or.us

WEBSITE PROJECT PAGE: <https://www.sweet-home.or.us/ced/page/current-projects>

I. PROJECT DESCRIPTION AND BACKGROUND

During the 2017 legislative session, the Oregon Legislature passed Senate Bill (SB) 1051. See Attachment B. SB 1051 takes effect on July 1, 2018. In summary, SB 1051 includes the following changes to the Oregon Revised Statutes (ORS):

1. Applications for certain affordable housing projects must be completed within 100 days after the application is deemed complete;
2. "Need housing," which must be subject to "clear and objective" standards now includes all housing; including Accessory Dwelling Units (ADUs).
3. The city shall provide "one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design."
4. As defined in SB 1051: "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling
5. Specific accessory uses shall be authorized in conjunction with a church.

If the City takes no action, we would need to apply the statute directly. Under our current rules the 864 square foot building size limitation would apply to a detached ADU (SHMC 17.08.030(D)). One to two off-street parking spaces would be required depending on the zone,

and an owner occupancy requirement would not apply. "Accessory dwellings" are currently allowed as conditional uses in the R-1, R-2, and R-3 zones.

The Planning Commission held work sessions on February 5, 2018 and April 2, 2018 to discuss the implications of SB 1051, and to discuss the changes that should be made to reflect those amendments. Staff prepared text amendments to the SHMC that are intended to apply SB 1051 (2017) according to the instructions provided by the Planning Commission. The proposed amendments are provided as Attachment A.

The Planning Commission will hold a public hearing on this legislative amendment on June 4, 2018. The Planning Commission will then make a recommendation to the City Council. The City Council is scheduled to have a public hearing on this matter on June 26, 2018.

The SHMC does not provide a public notification process for text amendments to the text of the SHMC. Staff provided notice to the Department of Land Conservation and Development on the proposed amendments (Form 1 notice) on April 16, 2018. Notice was posted to the Sweet Home website and emailed to interested parties that have requested email notifications of public meetings on May 11, 2018. Notification was emailed to service organizations and the Planning Commission on May 15, 2018. Notification of this public hearing was published in the New Era Newspaper on May 16, 2018.

II. COMMENTS

Staff has not received comments on this application as of the writing of this staff report.

III. REVIEW AND DECISION CRITERIA

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

- A. An amendment to the text of the ordinance codified in this title or a legislative zoning map amendment may be initiated by the City Manager, the City Planning Commission, the City Council or a property owner. A quasijudicial zoning map amendment may be initiated by a property owner, a representative of the property owner, the City Manager, the Planning Commission or the City Council. A request for a quasijudicial zone map amendment by a property owner shall be accomplished by filing an application with the City Planner at least 45 days prior to the Planning Commission meeting and using forms prescribed pursuant to § 17.12.100.. [SHMC 17.12.010]**

Staff Findings: These amendments to the text of the SHMC were initiated by the Planning Commission in order to address the new state rules that will take effect on July 1, 2018 as a result of passage of SB 1051 (2017).

- B. The Planning Commission may elect to conduct a public hearing on a proposed amendment. [SHMC 17.12.020(A)]**
- C. The Planning Commission shall recommend to the City Council approval, disapproval or modification of the proposed amendment. [SHMC 17.12.020(B)]**
- D. After receiving the recommendation of the Planning Commission, the City Council shall hold a public hearing on the proposed amendment. [SHMC 17.12.020(C)]**
- E. All public hearing procedures shall be in accordance with §§ 17.12.120 and 17.12.130. [SHMC 17.12.020(D)]**
- F. Within five days after a decision has been rendered with reference to an amendment, the City Manager shall provide the applicant with written notice of the decision. Written notice of a decision shall apply to recommendations made by the Planning Commission and to final action made by the City Council. required public**

facilities have adequate capacity, as determined by the city, to serve the proposed use. [SHMC 17.12.020(E)]

Staff Findings: As described above, the Planning Commission will hold a public hearing on these text amendments and make a recommendation to the City Council.

G. SB 1051 (2017). The following are applicable sections of SB 1051 (2017). The full text is included as Attachment B.

- a. **A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design. [SB 1051 (2017), Section 6, (5)(a)]**
- b. **As used in this subsection, “accessory dwelling unit” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. [SB 1051 (2017), Section 6, (5)(b)]**
- c. **A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations. [SB 1051 (2017), Section 3, (4)(b)(A)]**

Staff Findings: The amendments included as Attachment A; include amendments to all of the City's residential zones that permit detached single-family dwellings. These zones are: R1, R2, R3, R4 R/M(T), and RC zones. The definitions chapter of the SHMC was updated to include the "accessory dwelling unit" (ADU) definition listed in SB 1051. The ADU standards would also include the following clear and objective standards; as permitted under SB 1051:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
- f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district

These clear and objective standards have been added to each residential zone. They are the product of the Planning Commission work sessions. These are clear and objective, because they do not require the exercise of discretion or legal judgement to determine if a proposal complies with the standards.

- g. If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the**

reasonable use of the real property for activities customarily associated with the practices of the religious activity, including [worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]:

- i. **Worship services.**
- ii. **Religion classes.**
- iii. **Weddings.**
- iv. **Funerals.**
- v. **Meal programs.**
- vi. **Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.**
- vii. **Providing housing or space for housing in a building that is detached from the place of worship, provided:**
 - a. **At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;**
 - b. **The real property is in an area zoned for residential use that is located within the urban growth boundary; and**
 - c. **The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone. [SB 1051 (2017), Section 7]**

Staff Findings: These standards were added to the following zones: R1, R2, R3, R4, C1, C2, and C3; where churches are permitted through a conditional use permit process. These changes directly implement SB 1051.

The proposed text amendments directly apply the standards of SB 1051. Staff works from the position that state statute is compliant with the Oregon Statewide Planning Goals. Consequently, the proposed text amendments would comply with the Oregon Statewide Planning Goals.

- H. **Process Requirement for Affordable Housing. (2) Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.**
- I. **(3) An application qualifies for final action within the timeline described in subsection (2) of this section if:**
 - i. **(a) The application is submitted to the city or the county under ORS 215.416 or 227.175;**
 - ii. **(b) The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;**
(c) At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and
 - iii. **(d) The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.**

- J. (4) A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181. [SB 1051 (2017), Section 1, (2) through (4)]**

Staff Findings: Staff has prepared text amendments to SHMC 17.12.140 that would add the 100 day processing deadline introduced by SB 1051. The proposed text amendments comply with these requirements.

- K. Sweet Home Comprehensive Plan (SHCP).**
- a. SHCP Chapter 4: Residential Lands and Housing**
 - i. Policy 10: The maximum net development densities (not including streets), in high density residential areas shall not exceed 35 multi-family dwelling units per acre, based on the standards for unit type.**
 - ii. Policy 11: In medium-density residential areas, single-family dwellings and two family dwellings on corner lots would be consistent with the prevailing character of developed areas and compatible with adjoining land use in undeveloped areas. In these areas, the maximum net density shall not exceed 9 dwelling units per acre.**
 - iii. Policy 12: The maximum net density (not including streets) in low density residential areas shall not exceed 5.4 dwelling units per acre for single family dwellings.**

Staff Findings: The proposed amendments for accessory dwelling units (ADUs) would increase the number of dwelling units that could be established in all residential zones that permit detached single family dwellings. It is the opinion of staff that this could result in situations where the residential density of dwelling units could exceed those that are specified in the comprehensive plan. SB 1051 (2017) will become state law on July 1, 2018 and will supersede Sweet Home's local requirements. The impact of ADUs will to some degree be mitigated by the clear and objective standards for building size and parking requirements. Staff believes that in order to comply with SB 1051, the city may apply the existing density requirements for single family dwellings; however, state law will require that the City permit at least one ADU per single family dwelling.

IV. CONCLUSION

Based on the findings presented above, Staff finds that the proposed text amendments comply with the applicable review and decision criteria. Staff recommends that the Planning Commission hold a public hearing, consider testimony, and make amendments if needed. The Planning Commission should then make a recommendation to the City Council.

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 the text amendments included as Attachment A;

2. Move to recommend that the City Council approve the text amendments included as Attachment A with changes (specify);
3. Move to continue the public hearing to a date and time certain (specify);
4. Take no action; or
5. Other.

VI. ATTACHMENTS

- A - Proposed Text Amendments
- B - SB 1051 (2017) Enrolled; Effective July 1, 2018.

Proposed Sweet Home Municipal Code; Zoning Ordinance Updates

Intended to Implement SB 1051 (2017)

File: LA 18-01; April 16, 2018

The following are draft amendments to the Sweet Home Municipal Code; Title 17, Zoning Ordinance. These amendments are intended to implement SB 1051 (2017). These amendments may change as the project works its way through the public review and adoption process. For more information, interested parties are encouraged to contact Jerry Sorte, Community and Economic Development Director at the Sweet Home Community and Economic Development Department, 1140 12th Ave, Sweet Home, Oregon 97386; (541) 367-8113; jsorte@ci.sweet-home.or.us.

Proposed insertions are double underlined. Proposed deletions are listed in ~~striketrough~~. The full text of the affected chapters of the SHMC, as currently written, may be reviewed online at: <https://www.sweet-home.or.us/ced/page/zoning-ordinance>.

I. **Standards for Accessory Dwellings**

17.04.030 DEFINITIONS.

ACCESSORY DWELLING. An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling. ~~A complete separate residential unit, including facilities for cooking and sanitation, provided either as a separate structure on the same lot or as part of a primary single-family dwelling.~~

§ 17.08.090 OFF-STREET PARKING REQUIREMENTS.

- H. Space requirements for off-street parking shall be as listed in this section. Fractional space requirements shall be counted as a whole space. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building used for off-street parking or loading.

<i>Use</i>	<i>Space Requirement</i>
1. Single-, two- and multi-family dwelling <u>(excluding Accessory Dwellings)</u>	Two spaces per dwelling unit
2. <u>Accessory Dwelling</u>	<u>One space per Accessory Dwelling unit</u>

CHAPTER 17.24: R-1 RESIDENTIAL LOW-DENSITY ZONE

§ 17.24.020 USES PERMITTED OUTRIGHT.

In an R-1 zone, the following primary residential uses and their accessory uses are permitted outright:

D. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.

- f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 17.24.030 CONDITIONAL USES PERMITTED.

In an R-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- ~~K. Accessory dwelling;~~

§ 17.24.050 YARD SETBACKS.

Except as provided in § 17.08.060, in a R-1 zone, yard setbacks shall be as follows.

- A. The front yard shall be a minimum of 20 feet.
- B. Each side yard shall be a minimum of five feet, and the total of both side yard setbacks shall be a minimum of 13 feet.
- C. The street side yard shall be a minimum of 15 feet.
- D. The rear yard shall be a minimum of 15 feet.
- E. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.
- F. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached Accessory Dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

(Ord. 1235, § 1(part), 2013; Ord. 1121, (part), 1998; Ord. 1101, 1997; Ord. 644, § 10(part), 1974)

§ 17.24.070 BUILDING HEIGHT.

Except as provided in § 17.08.070, in a R-1 zone building heights shall be as follows.

- A. The height of a building for a dwelling, excluding detached Accessory Dwellings, shall not exceed a height of 30 feet.
- B. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof. (Ord. 1121, (part), 1998: Ord. 644, § 10(part), 1974)

§ 17.24.080 MINIMUM BUILDING SIZE.

Dwellings, excluding Accessory Dwellings, in the R-1 zone shall be a minimum size of 1,000 square feet.

(Ord. 1121, (part), 1998: Ord. 1069, 1994: Ord. 838, 1981; Ord. 644, § 10(part), 1974)

§ 17.24.090 HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 24 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 24 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 24-inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 28 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width. (Ord. 1235, § 1(part), 2013; Ord. 1121, (part), 1998: Ord. 1069, 1994)

§ 17.24.100 GARAGE AND OFF-STREET PARKING REQUIREMENTS.

All dwellings, excluding Accessory Dwellings, in the R-1 zone will have- at minimum the following:

- A. A garage or carport; and

- B. Two hard surfaced off-street parking spaces shall be provided. (Ord 1121, (part), 1998)

CHAPTER 17.28: R-2 RESIDENTIAL HIGH-DENSITY ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Sections 17.24.020 and 17.24.030 would also change the uses permitted in the R-2 zone. As proposed, Accessory Dwellings would be permitted outright, rather than as a conditional use, in the R-2 zone by reference to the R-1 zone.

17.28.020 USES PERMITTED OUTRIGHT.

In a R-2 zone, the following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;

17.28.030 CONDITIONAL USES PERMITTED.

In a R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

§ 17.28.070 BUILDING HEIGHT.

Except as provided in Sweet Home Municipal Code § 17.08.060, in a R-2 zone building heights shall be as follows:

- A. Single-family dwellings shall not exceed a height of 30 feet;
- B. Two-family, single-family attached dwellings and multi-family dwellings shall not exceed a height of 40 feet; and
- C. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof.

§ 17.28.080 MINIMUM BUILDING SIZE.

Dwellings, excluding Accessory Dwellings, in the R-2 zone shall have a minimum building size of 720 square feet.

(Ord. 1182, § 1, 2006)

§ 17.28.090 HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 32 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 32 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 32 inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 24 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

§ 17.28.100 GARAGE AND OFF STREET PARKING REQUIREMENTS.

- A. All single-family, two-family and single-family attached dwellings, excluding Accessory Dwellings, will have, at minimum, the following:
 - 1. A garage or carport; and
 - 2. Two hard surfaced off-street parking spaces shall be provided.
- B. Multi-family dwellings will have a minimum of two parking spaces per unit.

CHAPTER 17.30: R-3 MEDIUM DENSITY RESIDENTIAL ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Sections 17.24.020 and 17.24.030 would also change the uses permitted in the R-3 zone. As proposed, Accessory Dwellings would be permitted outright, rather than as a conditional use, in the R-3 zone by reference to the R-1 zone.

§ 17.30.020 USES PERMITTED OUTRIGHT.

The following primary residential uses and their accessory uses are permitted outright:

- A. A use permitted outright in a R-1 zone;

§ 17.30.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

§ 17.30.050 YARDS.

Yard setbacks shall be as follows:

- A. Single-family and two-family dwelling units, including Accessory Dwellings:

1. The front shall be a minimum of 20 feet;
2. Each side shall be a minimum of five feet;
3. The street side yard shall be a minimum of 15 feet;
4. The rear shall be a minimum of ten feet;
5. On a flag lot, the inset front yard setback shall be a minimum of ten feet; and
6. No building shall be located closer than one-half the distance of the right-of-way projected for the abutting street, based on the street classification, plus the required front setback from a centerline of a street other than an alley.

- B. Single-family attached dwellings:

1. Front shall be a minimum of 20 feet;
2. The sides between units shall be zero feet;
3. The sides on exterior boundaries shall be five feet;
4. Street side shall be a minimum of 15 feet; and
5. Rear shall be a minimum of ten feet.

§ 17.30.060 LOT COVERAGE.

Building coverage shall meet the following standards.

- A. A single-family dwelling, not including an associated detached Accessory Dwelling, shall not exceed 35% of the land area.
- B. Two-family dwellings shall not exceed 50% of the land area.
- C. Single-family attached dwellings shall not exceed 60% of the land area.

§ 17.30.070 BUILDING HEIGHT.

Building heights shall be as follows.

- A. Single-family dwellings shall not exceed a height of 30 feet.
- B. Two-family and single-family attached dwellings shall not exceed a height of 40 feet.
- C. Accessory structures, including detached Accessory Dwellings, shall not exceed 20 feet in height at the apex of the roof.

§ 17.30.080 MINIMUM BUILDING SIZE.

Primary use buildings, which do not include Accessory Dwellings, shall have a minimum building size of 850 square feet.

§ 17.30.090 STANDARDS FOR HOMES ON INDIVIDUAL LOTS.

- A. A home, including Accessory Dwellings, shall be placed on a foundation enclosed at the perimeter with no more than 32 inches of the enclosing material exposed above grade. Where the building site has a sloped grade, no more than 32 inches of the enclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the 32-inch limitation will not apply.
- B. The base of a home, including Accessory Dwellings, must be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone or combination thereof, or shall have continuous skirting which matches the exterior.
- C. A home, excluding Accessory Dwellings, shall have a nominal width of at least 24 feet.
- D. A home, including Accessory Dwellings, shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

§ 17.30.100 GARAGE AND OFF STREET PARKING REQUIREMENTS.

All dwellings, excluding Accessory Dwellings, will have at minimum the following:

- A. A garage or carport; and
- B. One hard surfaced off-street parking spaces shall be provided.

CHAPTER 17.31: R-4 RESIDENTIAL MIXED USE ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.020 would also change the uses permitted in the R-4 zone. As proposed, Accessory Dwellings would be permitted outright in the R-4 zone by reference to the R-1 zone.

§ 17.31.020 USES PERMITTED OUTRIGHT.

The following uses and their accessory uses shall be permitted outright: residential uses: a use permitted outright in any residential zone.

§ 17.31.040 DEVELOPMENT STANDARDS.

A. The following special standards shall apply.

1. Residential uses not including Accessory Dwellings, shall be subject to a maximum density of 35 dwelling units per acre.

2. Residential uses including Accessory Dwellings, shall be subject to the lot size and width, yard, lot coverage and building height requirements of the R-2 zone.

CHAPTER 17.60: RC RECREATION COMMERCIAL ZONE

17.60.020 USES PERMITTED OUTRIGHT.

In an RC zone, the following uses and their accessory uses are permitted outright:

O. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:

- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
- b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
- c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.

- d. An Accessory dwelling shall be placed on a foundation that meets the requirements of all applicable building codes.
- e. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
- a.f. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 17.60.040 SPECIAL STANDARDS.

In an RC zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings and accessory uses, including Accessory Dwellings, shall meet the following minimum standards.
 - 1. Minimum lot size shall be 8,000 square feet.
 - 2. Minimum lot width shall be 80 feet.
 - 3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 20 feet;
 - b. Side shall be a minimum five feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 15 feet.
 - 4. Detached Accessory Dwellings shall not exceed 20 feet in height at the apex of the roof. All other buildings shall not exceed 30 feet in height. Building height shall not exceed 30 feet
 - 5. Building coverage shall not exceed 35% of the land area.
 - 6. A carport or garage is required for each single-family dwelling; not including Accessory Dwellings.
 - 7. Off-street parking will be based on the city parking standards.

CHAPTER 17.68: R/M(T) RESIDENTIAL INDUSTRIAL TRANSITIONAL

§ 17.68.030 USES PERMITTED.

In an R/M(T) zone, the following uses and their accessory uses are permitted outright:

- D. Accessory Dwelling. A maximum of one Accessory Dwelling is allowed per legal single-family dwelling. The unit may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor); subject to the following standards:
- a. A detached Accessory Dwelling shall not exceed 864 square feet of floor area, or 10% of lot area, whichever is smaller.
 - b. An attached or interior Accessory Dwelling shall not exceed 864 square feet of floor area, or 75 percent of the primary dwelling's floor area, whichever is smaller. However, Accessory Dwellings that result from the conversion of a level or floor (e.g., basement, attic, or second story) of the primary dwelling may occupy the entire level or floor, even if the floor area of the Accessory Dwelling would be more than 864 square feet.
 - c. A detached Accessory Dwelling shall have a roof with a minimum pitch of three feet in height for each 12 feet in width.
 - d. One off-street parking space shall be provided for each Accessory Dwelling. In addition, parking shall be increased for the primary dwelling if needed so that the primary dwelling is provided two off-street parking spaces.
 - e. Unless otherwise specified, Accessory Dwellings shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for accessory buildings in the zoning district.

§ 17.68.050 LIMITATIONS.

- A. Single-family dwellings and residential facilities shall be subject to the standards of the R-1 zone except building size for which R-2 standards shall apply.

II. Standards Amending the Definition of Church Use

CHAPTER 17.24: R-1 RESIDENTIAL LOW-DENSITY ZONE

§ 17.24.030 **CONDITIONAL USES PERMITTED.**

- C. Church, religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
- (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing

that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.28: R-2 RESIDENTIAL HIGH-DENSITY ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.030(C) would also change the definition of the church as a conditionally permitted use in the R-2 zone.

§ 17.28.030 CONDITIONAL USES PERMITTED.

In a R-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

CHAPTER 17.30: R-3 MEDIUM DENSITY RESIDENTIAL ZONE

Note: By reference, the proposed changes to the R-1 zone under SHMC Section 17.24.030(C) would also change the definition of the church as a conditionally permitted use in the R-3 zone.

§ 17.30.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. A use permitted as a conditional use in a R-1 zone;

CHAPTER 17.31: R-4 RESIDENTIAL MIXED USE ZONE

§ 17.31.030 CONDITIONAL USES PERMITTED.

The following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80.

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.32: C-1 COMMERCIAL CENTRAL ZONE

§ 17.32.030 CONDITIONAL USES PERMITTED.

In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80:

- A. Church, nonprofit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.
 - (h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median

family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.36: C-2 COMMERCIAL HIGHWAY ZONE

§ 17.36.030 CONDITIONAL USES PERMITTED.

In a C-2 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.36:

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;
 - (B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and
 - (C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

CHAPTER 17.40: C-3 COMMERCIAL NEIGHBORHOOD ZONE

17.40.030 CONDITIONAL USES PERMITTED.

In a C-3 zone, the following uses and their accessory uses may be permitted subject to the provisions of this section and Chapter 17.80:

- A. Church, non-profit religious or philanthropic institution; including activities customarily associated with the practices of the religious activity, including:
 - (a) Worship services.
 - (b) Religion classes.
 - (c) Weddings.
 - (d) Funerals.
 - (e) Meal programs.
 - (f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.
 - (g) Providing housing or space for housing in a building that is detached from the place of worship, provided:
 - (A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone

(h) Housing and space for housing provided under subsection (g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

III. Process Requirements for Certain Affordable Housing Applications

17.12.140 GENERAL ADMINISTRATIVE PROVISIONS.

B. The city shall take final action on all land use actions, limited land use actions or zone change applications including all appeals, within 100 days of completion of the application for all applications listed under SB 1051 Section 1(3) or within 120 days of completion of the application for all other land use actions, limited land use actions or zone change applications that do not also require a comprehensive plan amendment. Applications or appeals which require consideration by agencies or entities outside the city jurisdiction are excepted from this deadline. The 120-day deadline may be extended for a reasonable amount of time at the request of the applicant.

E. If an application is not acted upon within ~~120 days after completion~~ the time period specified in subsection B of this section:

1. The city shall refund to the applicant either the unexpended portion of any application fees previously paid or 50% of the total amount of the fees, whichever is greater.
2. The applicant may apply in the Circuit Court of Linn County for a writ of mandamus to compel the city to issue the approval.

Enrolled Senate Bill 1051

Sponsored by COMMITTEE ON BUSINESS AND TRANSPORTATION

CHAPTER

AN ACT

Relating to use of real property; creating new provisions; amending ORS 197.178, 197.303, 197.307, 197.312, 215.416, 215.427, 215.441, 227.175, 227.178 and 227.500; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. (1) As used in this section:

(a) **“Affordable housing” means housing that is affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the development is built or for the state, whichever is greater.**

(b) **“Multifamily residential building” means a building in which three or more residential units each have space for eating, living and sleeping and permanent provisions for cooking and sanitation.**

(2) **Notwithstanding ORS 215.427 (1) or ORS 227.178 (1), a city with a population greater than 5,000 or a county with a population greater than 25,000 shall take final action on an application qualifying under subsection (3) of this section, including resolution of all local appeals under ORS 215.422 or 227.180, within 100 days after the application is deemed complete.**

(3) **An application qualifies for final action within the timeline described in subsection (2) of this section if:**

(a) **The application is submitted to the city or the county under ORS 215.416 or 227.175;**

(b) **The application is for development of a multifamily residential building containing five or more residential units within the urban growth boundary;**

(c) **At least 50 percent of the residential units included in the development will be sold or rented as affordable housing; and**

(d) **The development is subject to a covenant appurtenant that restricts the owner and each successive owner of the development or a residential unit within the development from selling or renting any residential unit described in paragraph (c) of this subsection as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.**

(4) **A city or a county shall take final action within the time allowed under ORS 215.427 or 227.178 on any application for a permit, limited land use decision or zone change that does not qualify for review and decision under subsection (3) of this section, including resolution of all appeals under ORS 215.422 or 227.180, as provided by ORS 215.427 and 215.435 or by ORS 227.178 and 227.181.**

SECTION 2. ORS 215.416 is amended to read:

215.416. (1) When required or authorized by the ordinances, rules and regulations of a county, an owner of land may apply in writing to such persons as the governing body designates, for a permit, in the manner prescribed by the governing body. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 215.427. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (11) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A county may not approve an application** if the proposed use of land is found to be in conflict with the comprehensive plan of the county and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by statute or county legislation.

(b)(A) A county may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the county comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A county may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A county may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a county may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) "Authorized density level" means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) "Authorized height level" means the maximum height of a structure that is permitted under local land use regulations.

(C) "Habitability" means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section shall be held only after notice to the applicant and also notice to other persons as otherwise provided by law and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on an application submitted under this section shall be provided to the owner of an airport defined by the Oregon Department of Aviation as a "public use airport" if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the county planning authority; and

(b) The property subject to the land use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a land use hearing need not be provided as set forth in subsection (6) of this section if the zoning permit would only allow a structure less than 35 feet in height and the property is located outside the runway “approach surface” as defined by the Oregon Department of Aviation.

(8)(a) Approval or denial of a permit application shall be based on standards and criteria which shall be set forth in the zoning ordinance or other appropriate ordinance or regulation of the county and which shall relate approval or denial of a permit application to the zoning ordinance and comprehensive plan for the area in which the proposed use of land would occur and to the zoning ordinance and comprehensive plan for the county as a whole.

(b) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(9) Approval or denial of a permit or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(10) Written notice of the approval or denial shall be given to all parties to the proceeding.

(11)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the county’s land use regulations. A county may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer’s decision made without hearing under this subsection shall be to the planning commission or governing body of the county. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(12) A decision described in ORS 215.402 (4)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(13) At the option of the applicant, the local government shall provide notice of the decision described in ORS 215.402 (4)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(14) Notwithstanding the requirements of this section, a limited land use decision shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 3. ORS 227.175 is amended to read:

227.175. (1) When required or authorized by a city, an owner of land may apply in writing to the hearings officer, or such other person as the city council designates, for a permit or zone change, upon such forms and in such a manner as the city council prescribes. The governing body shall establish fees charged for processing permits at an amount no more than the actual or average cost of providing that service.

(2) The governing body of the city shall establish a consolidated procedure by which an applicant may apply at one time for all permits or zone changes needed for a development project. The consolidated procedure shall be subject to the time limitations set out in ORS 227.178. The consolidated procedure shall be available for use at the option of the applicant no later than the time of the first periodic review of the comprehensive plan and land use regulations.

(3) Except as provided in subsection (10) of this section, the hearings officer shall hold at least one public hearing on the application.

(4)(a) *[The application shall not be approved]* **A city may not approve an application** unless the proposed development of land would be in compliance with the comprehensive plan for the city and other applicable land use regulation or ordinance provisions. The approval may include such conditions as are authorized by ORS 227.215 or any city legislation.

(b)(A) A city may not deny an application for a housing development located within the urban growth boundary if the development complies with clear and objective standards, including but not limited to clear and objective design standards contained in the city comprehensive plan or land use regulations.

(B) This paragraph does not apply to:

(i) Applications or permits for residential development in areas described in ORS 197.307 (5); or

(ii) Applications or permits reviewed under an alternative approval process adopted under ORS 197.307 (6).

(c) A city may not reduce the density of an application for a housing development if:

(A) The density applied for is at or below the authorized density level under the local land use regulations; and

(B) At least 75 percent of the floor area applied for is reserved for housing.

(d) A city may not reduce the height of an application for a housing development if:

(A) The height applied for is at or below the authorized height level under the local land use regulations;

(B) At least 75 percent of the floor area applied for is reserved for housing; and

(C) Reducing the height has the effect of reducing the authorized density level under local land use regulations.

(e) Notwithstanding paragraphs (c) and (d) of this subsection, a city may reduce the density or height of an application for a housing development if the reduction is necessary to resolve a health, safety or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

(f) As used in this subsection:

(A) “Authorized density level” means the maximum number of lots or dwelling units or the maximum floor area ratio that is permitted under local land use regulations.

(B) “Authorized height level” means the maximum height of a structure that is permitted under local land use regulations.

(C) “Habitability” means being in compliance with the applicable provisions of the state building code under ORS chapter 455 and the rules adopted thereunder.

(5) Hearings under this section may be held only after notice to the applicant and other interested persons and shall otherwise be conducted in conformance with the provisions of ORS 197.763.

(6) Notice of a public hearing on a zone use application shall be provided to the owner of an airport, defined by the Oregon Department of Aviation as a “public use airport” if:

(a) The name and address of the airport owner has been provided by the Oregon Department of Aviation to the city planning authority; and

(b) The property subject to the zone use hearing is:

(A) Within 5,000 feet of the side or end of a runway of an airport determined by the Oregon Department of Aviation to be a “visual airport”; or

(B) Within 10,000 feet of the side or end of the runway of an airport determined by the Oregon Department of Aviation to be an “instrument airport.”

(7) Notwithstanding the provisions of subsection (6) of this section, notice of a zone use hearing need only be provided as set forth in subsection (6) of this section if the permit or zone change would only allow a structure less than 35 feet in height and the property is located outside of the runway “approach surface” as defined by the Oregon Department of Aviation.

(8) If an application would change the zone of property that includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, the governing body shall give written notice by first class mail to each existing mailing address for tenants of the mobile home

or manufactured dwelling park at least 20 days but not more than 40 days before the date of the first hearing on the application. The governing body may require an applicant for such a zone change to pay the costs of such notice.

(9) The failure of a tenant or an airport owner to receive a notice which was mailed shall not invalidate any zone change.

(10)(a)(A) The hearings officer or such other person as the governing body designates may approve or deny an application for a permit without a hearing if the hearings officer or other designated person gives notice of the decision and provides an opportunity for any person who is adversely affected or aggrieved, or who is entitled to notice under paragraph (c) of this subsection, to file an appeal.

(B) Written notice of the decision shall be mailed to those persons described in paragraph (c) of this subsection.

(C) Notice under this subsection shall comply with ORS 197.763 (3)(a), (c), (g) and (h) and shall describe the nature of the decision. In addition, the notice shall state that any person who is adversely affected or aggrieved or who is entitled to written notice under paragraph (c) of this subsection may appeal the decision by filing a written appeal in the manner and within the time period provided in the city's land use regulations. A city may not establish an appeal period that is less than 12 days from the date the written notice of decision required by this subsection was mailed. The notice shall state that the decision will not become final until the period for filing a local appeal has expired. The notice also shall state that a person who is mailed written notice of the decision cannot appeal the decision directly to the Land Use Board of Appeals under ORS 197.830.

(D) An appeal from a hearings officer's decision made without hearing under this subsection shall be to the planning commission or governing body of the city. An appeal from such other person as the governing body designates shall be to a hearings officer, the planning commission or the governing body. In either case, the appeal shall be to a de novo hearing.

(E) The de novo hearing required by subparagraph (D) of this paragraph shall be the initial evidentiary hearing required under ORS 197.763 as the basis for an appeal to the Land Use Board of Appeals. At the de novo hearing:

(i) The applicant and other parties shall have the same opportunity to present testimony, arguments and evidence as they would have had in a hearing under subsection (3) of this section before the decision;

(ii) The presentation of testimony, arguments and evidence shall not be limited to issues raised in a notice of appeal; and

(iii) The decision maker shall consider all relevant testimony, arguments and evidence that are accepted at the hearing.

(b) If a local government provides only a notice of the opportunity to request a hearing, the local government may charge a fee for the initial hearing. The maximum fee for an initial hearing shall be the cost to the local government of preparing for and conducting the appeal, or \$250, whichever is less. If an appellant prevails at the hearing or upon subsequent appeal, the fee for the initial hearing shall be refunded. The fee allowed in this paragraph shall not apply to appeals made by neighborhood or community organizations recognized by the governing body and whose boundaries include the site.

(c)(A) Notice of a decision under paragraph (a) of this subsection shall be provided to the applicant and to the owners of record of property on the most recent property tax assessment roll where such property is located:

(i) Within 100 feet of the property that is the subject of the notice when the subject property is wholly or in part within an urban growth boundary;

(ii) Within 250 feet of the property that is the subject of the notice when the subject property is outside an urban growth boundary and not within a farm or forest zone; or

(iii) Within 750 feet of the property that is the subject of the notice when the subject property is within a farm or forest zone.

(B) Notice shall also be provided to any neighborhood or community organization recognized by the governing body and whose boundaries include the site.

(C) At the discretion of the applicant, the local government also shall provide notice to the Department of Land Conservation and Development.

(11) A decision described in ORS 227.160 (2)(b) shall:

(a) Be entered in a registry available to the public setting forth:

(A) The street address or other easily understood geographic reference to the subject property;

(B) The date of the decision; and

(C) A description of the decision made.

(b) Be subject to the jurisdiction of the Land Use Board of Appeals in the same manner as a limited land use decision.

(c) Be subject to the appeal period described in ORS 197.830 (5)(b).

(12) At the option of the applicant, the local government shall provide notice of the decision described in ORS 227.160 (2)(b) in the manner required by ORS 197.763 (2), in which case an appeal to the board shall be filed within 21 days of the decision. The notice shall include an explanation of appeal rights.

(13) Notwithstanding other requirements of this section, limited land use decisions shall be subject to the requirements set forth in ORS 197.195 and 197.828.

SECTION 4. ORS 197.303 is amended to read:

197.303. (1) As used in ORS 197.307, “needed housing” means **all housing [types] on land zoned for residential use or mixed residential and commercial use that is** determined to meet the need shown for housing within an urban growth boundary at [particular] price ranges and rent levels[, including] **that are affordable to households within the county with a variety of incomes, including but not limited to households with low incomes, very low incomes and extremely low incomes, as those terms are defined by the United States Department of Housing and Urban Development under 42 U.S.C. 1437a. “Needed housing” includes [at least]** the following housing types:

(a) Attached and detached single-family housing and multiple family housing for both owner and renter occupancy;

(b) Government assisted housing;

(c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490;

(d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions; and

(e) Housing for farmworkers.

(2) Subsection (1)(a) and (d) of this section [shall] **does** not apply to:

(a) A city with a population of less than 2,500.

(b) A county with a population of less than 15,000.

(3) A local government may take an exception under ORS 197.732 to the definition of “needed housing” in subsection (1) of this section in the same manner that an exception may be taken under the goals.

SECTION 5. ORS 197.307 is amended to read:

197.307. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of state-wide concern.

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(4) Except as provided in subsection (6) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of **hous-**

ing, including needed housing [on buildable land described in subsection (3) of this section]. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

(5) The provisions of subsection (4) of this section do not apply to:

(a) An application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(b) An application or permit for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(6) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (4) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria regulating, in whole or in part, appearance or aesthetics that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (4) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (4) of this section.

(7) Subject to subsection (4) of this section, this section does not infringe on a local government's prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

(8) In accordance with subsection (4) of this section and ORS 197.314, a jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, ar-

chitectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

SECTION 6. ORS 197.312 is amended to read:

197.312. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family dwellings in the same zone.

(3)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(4) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public.

(5)(a) A city with a population greater than 2,500 or a county with a population greater than 15,000 shall allow in areas zoned for detached single-family dwellings the development of at least one accessory dwelling unit for each detached single-family dwelling, subject to reasonable local regulations relating to siting and design.

(b) As used in this subsection, "accessory dwelling unit" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling.

SECTION 7. ORS 215.441 is amended to read:

215.441. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a county shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A county may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review or design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or restrict the use of real property by a place of worship described in subsection (1) of this section if the county finds that the level of service of public facilities, including transportation, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a county may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 8. ORS 227.500 is amended to read:

227.500. (1) If a church, synagogue, temple, mosque, chapel, meeting house or other nonresidential place of worship is allowed on real property under state law and rules and local zoning ordinances and regulations, a city shall allow the reasonable use of the real property for activities customarily associated with the practices of the religious activity, including *[worship services, religion classes, weddings, funerals, child care and meal programs, but not including private or parochial school education for prekindergarten through grade 12 or higher education.]*:

(a) Worship services.

(b) Religion classes.

(c) Weddings.

(d) Funerals.

(e) Meal programs.

(f) Child care, but not including private or parochial school education for prekindergarten through grade 12 or higher education.

(g) Providing housing or space for housing in a building that is detached from the place of worship, provided:

(A) At least 50 percent of the residential units provided under this paragraph are affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located;

(B) The real property is in an area zoned for residential use that is located within the urban growth boundary; and

(C) The housing or space for housing complies with applicable land use regulations and meets the standards and criteria for residential development for the underlying zone.

(2) A city may:

(a) Subject real property described in subsection (1) of this section to reasonable regulations, including site review and design review, concerning the physical characteristics of the uses authorized under subsection (1) of this section; or

(b) Prohibit or regulate the use of real property by a place of worship described in subsection (1) of this section if the city finds that the level of service of public facilities, including transporta-

tion, water supply, sewer and storm drain systems is not adequate to serve the place of worship described in subsection (1) of this section.

(3) Notwithstanding any other provision of this section, a city may allow a private or parochial school for prekindergarten through grade 12 or higher education to be sited under applicable state law and rules and local zoning ordinances and regulations.

(4) Housing and space for housing provided under subsection (1)(g) of this section must be subject to a covenant appurtenant that restricts the owner and each successive owner of the building or any residential unit contained in the building from selling or renting any residential unit described in subsection (1)(g)(A) of this section as housing that is not affordable to households with incomes equal to or less than 60 percent of the median family income for the county in which the real property is located for a period of 60 years from the date of the certificate of occupancy.

SECTION 9. ORS 197.178 is amended to read:

197.178. (1) Local governments with comprehensive plans or functional plans that are identified in ORS 197.296 (1) shall compile and report annually to the Department of Land Conservation and Development the following information for all applications received under ORS 227.175 for residential permits and residential zone changes:

(a) The **total number of complete applications received for residential development, [including the net residential density proposed in the application and the maximum allowed net residential density for the subject zone] and the number of applications approved;**

[(b) The number of applications approved, including the approved net density; and]

[(c) The date each application was received and the date it was approved or denied.]

(b) The total number of complete applications received for development of housing containing one or more housing units that are sold or rented below market rate as part of a local, state or federal housing assistance program, and the number of applications approved; and

(c) For each complete application received:

(A) The date the application was received;

(B) The date the application was approved or denied;

(C) The net residential density proposed in the application;

(D) The maximum allowed net residential density for the subject zone; and

(E) If approved, the approved net residential density.

(2) The report required by this section may be submitted electronically.

SECTION 10. ORS 215.427 is amended to read:

215.427. (1) Except as provided in subsections (3), (5) and (10) of this section, for land within an urban growth boundary and applications for mineral aggregate extraction, the governing body of a county or its designee shall take final action on an application for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 120 days after the application is deemed complete. The governing body of a county or its designee shall take final action on all other applications for a permit, limited land use decision or zone change, including resolution of all appeals under ORS 215.422, within 150 days after the application is deemed complete, except as provided in subsections (3), (5) and (10) of this section.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **and section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits additional information, as described in subsection (2) of this section, within 180 days of the date the application was first submitted and the county has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (10) of this section for mediation, may not exceed 215 days.

(6) The period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the county; and

(b) Unless the parties have agreed to mediation as described in subsection (10) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the county making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the county or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days or 150 days, as applicable, after the application is deemed complete, the county shall refund to the applicant either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9) A county may not compel an applicant to waive the period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 215.429 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(10) The periods set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the county agree that a dispute concerning the application will be mediated.

SECTION 11. ORS 227.178 is amended to read:

227.178. (1) Except as provided in subsections (3), (5) and (11) of this section, the governing body of a city or its designee shall take final action on an application for a permit, limited land use de-

cision or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete.

(2) If an application for a permit, limited land use decision or zone change is incomplete, the governing body or its designee shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete for the purpose of subsection (1) of this section **or section 1 of this 2017 Act** upon receipt by the governing body or its designee of:

(a) All of the missing information;

(b) Some of the missing information and written notice from the applicant that no other information will be provided; or

(c) Written notice from the applicant that none of the missing information will be provided.

(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

(b) If the application is for industrial or traded sector development of a site identified under section 12, chapter 800, Oregon Laws 2003, and proposes an amendment to the comprehensive plan, approval or denial of the application must be based upon the standards and criteria that were applicable at the time the application was first submitted, provided the application complies with paragraph (a) of this subsection.

(4) On the 181st day after first being submitted, the application is void if the applicant has been notified of the missing information as required under subsection (2) of this section and has not submitted:

(a) All of the missing information;

(b) Some of the missing information and written notice that no other information will be provided; or

(c) Written notice that none of the missing information will be provided.

(5) The 120-day period set in subsection (1) of this section **or the 100-day period set in section 1 of this 2017 Act** may be extended for a specified period of time at the written request of the applicant. The total of all extensions, except as provided in subsection (11) of this section for mediation, may not exceed 245 days.

(6) The 120-day period set in subsection (1) of this section applies:

(a) Only to decisions wholly within the authority and control of the governing body of the city; and

(b) Unless the parties have agreed to mediation as described in subsection (11) of this section or ORS 197.319 (2)(b).

(7) Notwithstanding subsection (6) of this section, the 120-day period set in subsection (1) of this section **and the 100-day period set in section 1 of this 2017 Act do** *[does]* not apply to a decision of the city making a change to an acknowledged comprehensive plan or a land use regulation that is submitted to the Director of the Department of Land Conservation and Development under ORS 197.610.

(8) Except when an applicant requests an extension under subsection (5) of this section, if the governing body of the city or its designee does not take final action on an application for a permit, limited land use decision or zone change within 120 days after the application is deemed complete, the city shall refund to the applicant, subject to the provisions of subsection (9) of this section, either the unexpended portion of any application fees or deposits previously paid or 50 percent of the total amount of such fees or deposits, whichever is greater. The applicant is not liable for additional governmental fees incurred subsequent to the payment of such fees or deposits. However, the applicant is responsible for the costs of providing sufficient additional information to address relevant issues identified in the consideration of the application.

(9)(a) To obtain a refund under subsection (8) of this section, the applicant may either:

(A) Submit a written request for payment, either by mail or in person, to the city or its designee;
or

(B) Include the amount claimed in a mandamus petition filed under ORS 227.179. The court shall award an amount owed under this section in its final order on the petition.

(b) Within seven calendar days of receiving a request for a refund, the city or its designee shall determine the amount of any refund owed. Payment, or notice that no payment is due, shall be made to the applicant within 30 calendar days of receiving the request. Any amount due and not paid within 30 calendar days of receipt of the request shall be subject to interest charges at the rate of one percent per month, or a portion thereof.

(c) If payment due under paragraph (b) of this subsection is not paid within 120 days after the city or its designee receives the refund request, the applicant may file an action for recovery of the unpaid refund. In an action brought by a person under this paragraph, the court shall award to a prevailing applicant, in addition to the relief provided in this section, reasonable attorney fees and costs at trial and on appeal. If the city or its designee prevails, the court shall award reasonable attorney fees and costs at trial and on appeal if the court finds the petition to be frivolous.

(10) A city may not compel an applicant to waive the 120-day period set in subsection (1) of this section or to waive the provisions of subsection (8) of this section or ORS 227.179 **or section 1 of this 2017 Act** as a condition for taking any action on an application for a permit, limited land use decision or zone change except when such applications are filed concurrently and considered jointly with a plan amendment.

(11) The *[period]* **periods** set forth in *[subsection (1)]* **subsections (1) and (5)** of this section **and section 1 of this 2017 Act** *[and the period set forth in subsection (5) of this section]* may be extended by up to 90 additional days, if the applicant and the city agree that a dispute concerning the application will be mediated.

SECTION 12. The amendments to ORS 197.312, 215.416 and 227.175 by sections 2, 3 and 6 of this 2017 Act become operative on July 1, 2018.

SECTION 13. (1) Section 1 of this 2017 Act and the amendments to ORS 197.178, 197.303, 197.307, 215.427, 215.441, 227.178 and 227.500 by sections 4, 5 and 7 to 11 of this 2017 Act apply to permit applications submitted for review on or after the effective date of this 2017 Act.

(2) The amendments to ORS 215.416 and 227.175 by sections 2 and 3 of this 2017 Act apply to applications for housing development submitted for review on or after July 1, 2018.

(3) The amendments to ORS 197.312 by section 6 of this 2017 Act apply to permit applications for accessory dwelling units submitted for review on or after July 1, 2018.

SECTION 14. This 2017 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect on its passage.

Passed by Senate April 19, 2017

Repassed by Senate July 7, 2017

.....
Lori L. Brocker, Secretary of Senate

.....
Peter Courtney, President of Senate

Passed by House July 6, 2017

.....
Tina Kotek, Speaker of House

Received by Governor:

.....M.,....., 2017

Approved:

.....M.,....., 2017

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M.,....., 2017

.....
Dennis Richardson, Secretary of State