



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

May 03, 2021, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order and Pledge of Allegiance

Roll Call of Commissioners

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

Meeting Minutes:

- a) [2021-04-05 Planning Commission Meeting Minutes](#)
- b) [2021-04-19 Planning Commission Meeting Minutes](#)

Public Hearings

Application LA21-01: This legislative amendment, LA 21-01, consists of text amendments to Chapters 17.24, Residential Low-Density Zone; 17.28, Residential High-Density Zone; and 17.30, Medium Density Residential Zone, of the Sweet Home Municipal Code (SHMC). The proposed text amendments were identified by City Staff, based on feedback from the Planning Commission and City Council, as a method for improving the quality of housing within the City. This proposal includes amendments to following sections of the SHMC 17.24: 17.24.090 Homes on individual lots. SHMC 17.28: 17.28.090 Homes on individual lots. SHMC 17.30: 17.30.090 Standards for homes on individual lots.

Application CU21-04: The applicant has requested a Conditional Use Permit to establish a retail marijuana store in an existing building. The subject property contains approximately 23,015 square feet and is in the Commercial Highway (C-2) Zone. Tax Lot 800 is a legal lot of record per survey CS 26417, dated April 10, 2018. A marijuana retailer or medical dispensary is permitted through a conditional use permit [SHMC 17.36.030 (J)].

Application CU21-05: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of a notary service for residential home loan document applicants, operated by a resident of the property, within the dwelling located on the property. The applicant expects to see between 1 to 2, but potentially up to 6 clients per day with hours ranging from 1 to 2 per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 19,222 square feet and is in the Residential Low Density (R-1) Zone.

Application CU21-06: The applicant is requesting a conditional use permit to allow for a single-family dwelling. In the Recreation Commercial (RC) Zone a residential use not related to or in conjunction with a recreational development is allowed per a conditional use. [SHMC 17.60.030 (D)]. The subject property contains approximately 4,997 square feet and is in the Recreation Commercial (RC) Zone.

Application VR21-01: The applicant is seeking a variance to allow for a front setback of 15 feet instead of the required 20 feet. A front yard abutting a residential zone shall be a minimum of 20 feet per SHMC

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

17.32.040. The western property line of the proposed parcel abuts a residential zone. The reduction of the front setback is due to the Sweet Home Fire District requiring additional square footage for a fire apparatus turnaround. The southern portion of the proposed parcel is within the 50-foot riparian zone, is designated as a natural resource zone and is a significant wetland (see Attachment C).. Streets, roads, driveways, or paths are exceptions in the riparian zone per SHMC 17.72.050. The property is in the Commercial Central (C-1) Zone.

Application SD21-01: The applicant is requesting to subdivide an approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. The proposed subdivision is in the Residential Low Density (R-1) Zone.

- a) [LA21-01 Staff Report and Ordinance](#)
- b) [CU21-04 Staff Report](#)
- c) [CU21-05 Staff Report](#)
- d) [CU21-06 Staff Report](#)
- e) [VR21-01 Staff Report](#)
- f) [SD21-01 Staff Report](#)

Staff Updates on Planning Projects:

Staff Updates on Planning Projects: This is an opportunity for Planning Commissioners to address topics that are not listed on the agenda.

Adjournment

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

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

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

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:
READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”
- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

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



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

April 05, 2021, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. Individuals attending public meetings in person will be required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the Planning Commission meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID 509 335 15# to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Chairperson of the meeting.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM.

Roll Call of Commissioners

PRESENT

Henry Wolthuis
Jeffrey Parker
Eva Jurney
Jamie Melcher (Video)

ABSENT

Greg Korn
Greg Stephens

STAFF

Associate Planner Angela Clegg
Community and Economic Development Director Blair Larsen
Administrative Assistant Julie Fisher

GUESTS

Leorah Burton 701 8th Avenue, Sweet Home, OR 97386
Robert Burton 701 8th Avenue, Sweet Home, OR 97386
Laura LaRoque, Udell Engineering and Land Surveying LLC, 63 E Ash Street, Lebanon, OR 97355
Lorri Roberts, 2250 Ironwood Street,

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

Meeting Minutes: March 1, 2021

- a) March 1, 2021 Meeting Minutes

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

Motion to approve the minutes by Motion made by Journey, Seconded by Melcher.
Roll Call Voting Yea: Wolthuis, Parker, Journey, Melcher

Public Hearings:

Commissioner Wolthuis explained the Public Hearing process.

Application ZMA21-01: The applicant is proposing to change the Zoning Map in an area consisting of approximately 20,210 square feet (.46 acres) located 4347 Highway 20, Sweet Home, OR 97386 (13S01E28DC Tax Lot 2500). The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Highway Commercial (C-2) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission will hold a public hearing and make a recommendation to the City Council. The City Council will hold a public hearing and decide on this application. Application ZMA20-04 is being filed simultaneously with Application PLA21-04. Application PLA21-04 is pending the approval of Application ZMA21-01.

a) ZMA21-01 Staff Report

The Public Hearing was opened at 6:40PM.

Commissioner Wolthuis asked of the Committee if there were any Ex parte, Conflict of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg gave the staff report and stated the applicant is asking for a zone change from R1 to Hwy Commercial which is consistent with the Sweet Home Comprehensive Plan. Staff recommends to the Planning Commission that they approve to the City Council that the application be approved without any conditions.

Applicant's Testimony: Laura LaRoque with Udell Engineering and Land Surveying, representing the applicant explained the zone change and the property line adjusting, along with a conditional use for a caretaker to stay on the property. Mrs. LaRoque explained the zone change is consistent with the City's long term plan. There were no questions.

Testimony in opposition: None

Neutral Testimony: None

The Public Hearing was closed at 6:45 PM.

Commissioner Melcher asked if the City has a Buildable Lands Inventory or if the decision was based on a housing needs analysis. CEDD Larsen explained the zoning will be in compliance with the Sweet Home Comprehensive Plan and the City does not have a shortage of residential buildable land.

Motion to approve the application made by Melcher, Seconded by Journey.

Roll Call Voting Yea: Wolthuis, Parker, Journey, Melcher

Application CU21-01: The applicant is requesting a conditional use permit to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility. Per SHMC 17.36.030 (G): A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial establishment may be permitted accessory to the commercial use. The subject property contains approximately 45,102 square feet and is in the Commercial Highway (C-2) Zone.

b) CU21-01 Staff Report

The Public Hearing was opened at 6:55PM.

Commissioner Wolthuis asked of the Committee if there were any Ex parte, Conflict of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg explained the Commercial Zone allows by Conditional Use for a caretaker dwelling as an accessory use dwelling to live at a

business. Staff recommends the Planning Commission approve the application and recommend approval to the City Council. There were no questions for staff.

Testimony by Applicant: Laura LaRoque, Director of Land Use Services for Udel Engineering explained this site is developed with a storage facility. The applicant is requesting to build a caretaker facility over a current office to help manage the site. The applicant has not proposed any additional exterior lighting and requests the Commission consider editing the condition of approval to reflect that.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Public Hearing was closed at 7:05 PM.

There was further discussion on condition #3 regarding a lighting plan.

Motion to approve the application with the conditions of approval made by Journey, Seconded by Parker.

Roll Call Voting Yea: Wolthuis, Parker, Journey, Melcher

Application CU21-02: The applicant is requesting a conditional use permit to allow for a proposed non-dwelling accessory building on the subject property. In the Residential Low Density (R-1) zone a secondary use on a lot without a primary use is allowed per a conditional use. [SHMC 17.24.030 (L)]. The subject property contains approximately 10,917 square feet and is in the Residential Low Density (R-1) Zone.

c) CU21-02 Staff Report

The Public Hearing was opened at 7:11PM.

Commission Wolthuis asked of the Committee if there were any Exparte, Conflict of Interest or Personal Bias, there was none. Commission Journey declared she drove by the property.

Staff Report: Associate Planner Angela Clegg explained the applicant is requesting to build a non-residential lot without a primary use which in SHMC is allowed by Conditional Use. Staff recommends the Planning Commission approve the application and recommend to the City Council the approval. Commissioner Melcher asked a question regarding the reason for not combining the lots. Commissioner Parker asked how the shop would be accessed by vehicles.

Applicant Testimony: Sam Burton, spoke to the driveway concern. He also addressed the concern of the sidewalk and agreed it needs to be repaired. The Planning Commission requested the applicant preserve the use of the land by building the shop in a way so a house could be built in the future.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:22 PM.

Motion to approve the application made by Melcher, Seconded by Journey.

Roll Call Voting Yea: Wolthuis, Parker, Journey, Melcher

Application CU21-03: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of cosmetology and counseling services operated by a resident of the property within the dwelling located on the property. The applicant expects to see between zero and four clients per day with hours ranging from one to four per client. The applicant will contain all parking on the subject property. The applicant will be the only

employee. The subject property contains approximately 13,174 square feet and is in the Residential Low Density (R-1) Zone.

d) CU21-03 Staff Report

The Public Hearing was opened at 7:26 PM.

Commission Wolthuis asked of the Committee if there were any Exparte, Conflict of Interest or Personal Bias, there was none.

Staff Report: Associate Planner Angela Clegg explained the applicant is requesting a Conditional Use to be able to conduct a business on the property. The business would conduct counseling and cosmetology. The owner expects to see 1-4 clients per day and will be the only employee. Staff recommends the City Council approve the application and recommend approval to the City Council as well. There were no questions of staff.

Applicant Testimony: Lorri Rai Roberts stated that she was present to answer any of the Commissioners questions. Commissioner Journey asked Mrs. Roberts about her various counseling and cosmetology licenses. Mrs. Roberts explained her licenses and what services they cover. There were no other questions.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

The Public Hearing was closed at 7:38 PM.

Motion to approve the application made by Journey, Seconded by Parker.

Roll Call Voting Yea: Wolthuis, Parker, Journey, Melcher

Staff Updates on Planning Projects:

Pending Applications

Code Revision Update

Associate Planner Angela Clegg informed the Commissioners that there was an open seat on the Commission. Clegg read a list of pending administrative and public notice applications.

CEDD Director Blair Larsen informed the Commissioners of the process that they and staff will use to review the draft code. Associate Planner Angela Clegg prepared binders for the Commissioners with a schedule of review meetings.

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

No additional comments from the Planning Commissioners.

Adjournment

The meeting adjourned at 7:56 PM.

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

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CITY OF SWEET HOME PLANNING COMMISSION MINUTES

April 19, 2021, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:30 PM

Roll Call of Commissioners

PRESENT

Jeffrey Parker

Henry Wolthuis arrived at 6:58 PM

Eva Journey

Jamie Melcher

Greg Korn

Greg Stephens (video)

STAFF

Community and Economic Development Director Blair Larsen

Associate Planner Angela Clegg

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

Meeting Minutes: April 5, 2021

Continued to the May 3, 2021 Planning Commission meeting

Public Hearings:

Staff reviewed Article I Chapter 17.02 through 17.04.020 page I-16 with the Planning Commissioners

Staff Updates on Planning Projects:

Associate Planner Clegg gave a brief overview of pending Land Use Applications.

Planning Commissioner Comments:

None

Adjournment

The meeting adjourned at 8:30 PM

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

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

Planning Commission welcomes your interest in these agenda items. Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the meeting; however, the Commission may consider additional subjects as well. This meeting is open to the public and interested citizens are invited to attend

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

**City of Sweet Home**

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

Legislative Amendment (LA) 21-01

This legislative amendment, LA 21-01, consists of text amendments to Chapters 17.24, Residential Low-Density Zone; 17.28, Residential High-Density Zone; and 17.30, Medium Density Residential Zone, of the Sweet Home Municipal Code (SHMC). The proposed text amendments were identified by City Staff, based on feedback from the Planning Commission and City Council, as a method for improving the quality of housing within the City.

This proposal includes amendments to following sections of the SHMC 17.24: 17.24.090 Homes on individual lots. SHMC 17.28: 17.28.090 Homes on individual lots. SHMC 17.30: 17.30.090 Standards for homes on individual lots.

FILE NUMBER: LA 21-01

**REVIEW AND
DECISION CRITERIA:** Sweet Home Municipal Code Section(s): 17.24.090, 17.28.090, and 17.30.090.

**PLANNING COMMISSION
HEARING DATE & TIME:** May 3, 2020 at 6:30 PM

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

**CITY COUNCIL
HEARING DATE & TIME:** May 11, 2020 at 6:30 PM

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

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

REPORT DATE: April 26, 2021

Attachment A: Draft Ordinance

**CITY OF SWEET HOME
ORDINANCE NO. _____**

AN ORDINANCE AMENDING THE SWEET HOME MUNICIPAL CODE §17.24.090, §17.28.090, and §17.30.090: MANUFACTURED HOMES ON INDIVIDUAL LOTS

WHEREAS, the City of Sweet Home seeks to ensure the safety of manufactured homes placed within the City; and

WHEREAS, the Planning Commission held a public hearing on May 3, 2021 for the proposed amendments to Sweet Home Municipal Code §17.24.090, §17.28.090, and §17.30.090; and

WHEREAS, the Planning Commission followed the text amendment procedures under Chapter 2.20.90 Powers and Duties, and has provided a report to the City Council along with its recommendation to consider the proposed text changes; and

WHEREAS, the City Council held a public hearing on these proposed text changes on May 11, 2020.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code §17.24.090, §17.28.090, and §17.30.090, each titled “Homes on Individual Lots” are retitled “Manufactured Homes on Individual Lots” and amended to read as follows:

Manufactured homes are permitted in accordance with the following standards. The minimum lot area, setback, and height standards of the subject zone shall also apply to manufactured homes sited on individual lots.

- A. Size. The manufactured home shall be multi-sectional and have at least 1,000 square feet of gross floor area.
- B. Performance Standards. The exterior thermal envelope must meet the standards specified by state law for single family dwellings, as defined in ORS 455.010.
- C. Removal of Towing Equipment. All towing hitches, wheels, running lights, and other towing related equipment shall be removed within thirty (30) days after installation of the manufactured home.
- D. Foundations. The manufactured home shall be placed on an excavated and back filled foundation with no more than 12 inches of inclosing material exposed above grade. Where the building site has a sloped grade, no more than 12 inches of the inclosing material shall be exposed on the uphill side of the home. If the home is placed on a basement, the twelve (12) inch limitation shall not apply. Furthermore, the twelve (12) inch limitation shall not apply if the requirements of the Flood Hazard District mandate that the home be elevated more than twelve (12) inches above grade.

The foundation shall meet building code and Flood Hazard Area (if applicable) standards. The base of the manufactured home shall be enclosed continuously at the perimeter with either concrete, concrete block, brick, stone, or a combination thereof.

- E. Utilities. The manufactured home shall be provided with storm drainage, sanitary sewer, electric, telephone, and potable water utility services with easements dedicated where necessary to provide such services. All such utilities shall be located underground unless waived by The City Building Official where underground service would require an exception to local prevalent conditions. Manufactured homes shall not be occupied purposes unless connected to local water, sewer, and electrical systems.
- F. Historical Sites. No manufactured home shall be located on property containing a historic landmark, or, on a lot or parcel immediately adjacent to property containing a historic landmark. For the purpose of this Chapter, a historic landmark is property designated by the Sweet Home Comprehensive Plan as containing a significant historical resource.
- G. Roofing. The manufactured home must have a composition asphalt, fiberglass, shake, or tile roof with a nominal pitch of not less than three (3) feet in height for each twelve (12) feet in width.
- H. Gutters and Down Spouts. The manufactured home shall be provided with gutters and down spouts to direct storm water away from the placements site, to the City storm water system, if available.
- H. Exterior Siding and Finish. The exterior siding of the manufactured home must have the same appearance as materials commonly used on residential dwellings.
- I. Garage or Carport. A garage or carport of like material and color of the manufactured home is required. The garage or carport shall be placed on the property prior to occupancy of the manufactured home.
- J. Off-Street Parking. Parking and improvements shall be as specified in Chapter 17.08.

Section 2. Expediency Clause. It is hereby adjudged and declared that existing conditions are such that this Ordinance is needed to be enforced immediately upon its passage and approval. Therefore, this Ordinance shall take effect and be in full force and effect from and after _____, 2021.

Passed by the Council and approved by the Mayor this ___ day of _____, 2021.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant has requested a Conditional Use Permit to establish a retail marijuana store in an existing building. The subject property contains approximately 23,015 square feet and is in the Commercial Highway (C-2) Zone. Tax Lot 800 is a legal lot of record per survey CS 26417, dated April 10, 2018. A marijuana retailer or medical dispensary is permitted through a conditional use permit [SHMC 17.36.030 (J)].

APPLICANT: Dustin Pomeroy

PROPERTY OWNER: John Cvitanich

FILE NUMBER: CU21-04

PROPERTY LOCATION: 2252 Main Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BA Tax Lots 00600 and 00800.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.36.030, 17.80.040

HEARING DATE & TIME: May 3, 2021 at 6:30 PM

HEARING LOCATION: City Hall at 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	Highway Commercial
Property North	Recreation Commercial (RC)	Planned Recreation Commercial
Property East	Commercial Highway (C-2)	Highway Commercial
Property South	Commercial Highway (C-2) and Residential Low-Density (R-1)	Highway Commercial
Property West	Commercial Highway (C-2)	Highway Commercial

Floodplain Based on a review of the September 29, 2010 FEMA FIRM Maps; Panel 41043C0914G, the subject property is located outside of the 100-year floodplain.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has frontage and access along Highway 20.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: March 5, 2021

Notice Published in Newspaper: March 17, 2021

Planning Commission Public Hearing: May 3, 2021

120-Day Deadline: July 3, 2021

Notice was provided as required by SHMC 17.12.120

II. COMMENTS

Building Division: The Building Program has no issues with this request. Please note that any remodeling of the structure will require a building permit.

Engineering Division: Regarding the CU21-04 Conditional Use for a retail marijuana store on Main Street across from the 23rd Avenue intersection, the location is just outside the ordinance boundary of the Restriction Zone. The parking lot for the building is paved with curb and storm drainage inlets. The March 22, 2018, property line adjustment increased the available parking area to the building. The CEDD-ES has no concerns with the Conditional Use application.

Public Works Dept. Public Works has no concerns with the request at this time.

Sweet Home Fire District: The Fire District has no issues or concerns with this request.

Public Comments: No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion. The applicant's findings are included in their written statement included in Attachment D.

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

Staff Findings: The subject property is in the C-2 Zone. The applicant's proposal consists of marijuana retail sales. A marijuana retailer may be established in the C-2 Zone as a conditional use under SHMC 17.36.030(J).

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The property owner shall obtain all necessary permits from the Building Division and Engineering Division. These permits may include, but are not limited to: building,

electrical, mechanical, and plumbing permits from the Building Division and a new or amended access permit from the Oregon Department of Transportation (ODOT) if needed. The applicant shall obtain all necessary permits from the Oregon Liquor Control Commission (OLCC). The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU21-04.

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:

1. Building size – The proposed use would be in the existing building on the property, and the applicant has not requested to increase the footprint of that building.
2. Parking and Traffic – The subject property is in the C-2 zone. The applicant would need to provide all parking as required by the applicable sections of SHMC Section 17.08.090. A retail store requires one space for every 200 square feet of floor area. The building that would accommodate the store contains approximately 3,752 square feet. If the entire building is used, 19 parking spaces would be required. The parking plan is included with the application. The connected parking lot is pre-existing. Any additional stall shall be constructed in compliance with all applicable sections of the SHMC, including but not limited to all Stormwater drainage, surfacing, and dimensional standards.
3. Noise – Based on the information provided in the application, no noise impact, beyond what is customary for a retail establishment is anticipated.
4. Vibration – Based on a description of the proposal, no significant vibration would be created by the proposed use.
5. Exhaust and emissions – The applicant is proposing a retail establishment only. The applicant has not proposed a use that would create exhaust or emissions. Odor impacts are discussed below.
6. Light and glare – The applicant has not proposed any new outdoor lighting beyond lighting associated with the business sign. SHMC 17.36.090 provides exterior lighting standards in the C-2 Zone and would apply to any development on the property. That section states that “exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.”

7. Erosion – The proposed use would be located within an existing building. No significant erosion impact is anticipated.
8. Odor – Pedestrian access to the store would likely occur from the west side of the building. In order to minimize the potential for odor impacts from the property, staff recommends that a condition of approval should require that no marijuana odor be permitted to leave the subject property.
9. Dust – If parking is provided, the applicant would be required to maintain a hard surface parking lot. No additional sources of dust have been identified.
10. Visibility – The proposed use would be located within an existing building. Consequently, staff has not identified any significant visibility impacts that would result from operation of the proposed use.
11. Safety – The proposed use would be regulated by the OLCC and would be required to comply with all applicable security standards. The applicant would need to acquire all applicable state and federal permits prior to operation of the proposed use.

Also, any sign used to advertise the proposed use shall comply with the sign standards listed in SHMC 17.96 as well as any applicable Oregon Department of Transportation (ODOT) requirements.
12. Building, landscaping or street features – The proposed use would be located within an existing building. As proposed, the building, landscaping, and street features in the area would be adequate to accommodate the proposed use.

The application complies with this criterion.

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

Staff Findings: Staff has not identified any negative impacts to adjacent properties. In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section V of this report.

The application complies with this criterion.

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

Staff Findings: The subject property is currently served by City water and sewer. Staff finds that the proposed use has adequate capacity.

The application complies with this criterion.

E. Home occupations must meet the following standards:

1. **The home occupation shall be secondary to the residential use.**
2. **All aspects of the home occupation shall be contained and conducted within a completely enclosing building.**
3. **No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.**
4. **Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.**

Staff Findings: The applicant has not proposed a home occupation.

F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]

Staff Findings: The applicant is proposing to establish the proposed marijuana facility in an existing building, which is a fixed location.

The application complies with this criterion.

G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]

Staff Findings: The applicant has not proposed to offer drive up services.

The application complies with this criterion.

H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]

Staff Findings: Based on a review of the Sweet Home GIS, the nearest school is located approximately 1,208 feet to the south west.

The application complies with this criterion.

I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]

Staff Findings: Based on a review of the Sweet Home Zoning map, the nearest residentially zoned property is located approximately 258 feet to the south.

The application complies with this criterion.

J. 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]

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.

In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of development listed in Section V of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application. Staff has also recommended a condition of approval that "no marijuana odor is permitted to leave the subject property." See recommended Condition 2. This condition is intended to minimize a potential negative externality from the retail operation. Staff thinks that this is an appropriate condition to impose since the business gains pedestrian access to the sidewalk on Highway 20.

K. 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, staff recommends that a condition of approval require that 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. 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. PLANNING COMMISSION ACTION

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is 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 decides, 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.

V. RECOMMENDED CONDITIONS IF APPROVED

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

Recommended Conditions of Approval for CU19-07:

1. The proposed marijuana retail store shall be located within the existing building located on the subject property. The proposed marijuana retail store shall be limited to the activities evaluated under this application.
2. The use shall be operated so that no marijuana odor is permitted to leave the subject property.
3. As required by SHMC 17.36.090, exterior lighting shall be in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
4. Prior to operation, the applicant shall obtain all required local, state, and federal permits. The property owner shall obtain all necessary permits from the Building Division and Engineering Division. These permits may include, but are not limited to: building, electrical, mechanical, and plumbing permits from the Building Division and a new or amended access permit from the Oregon Department of Transportation (ODOT). The applicant shall obtain all necessary permits from the Oregon Liquor Control Commission (OLCC). The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU21-04.
5. Parking shall be provided for the marijuana retail store as required by the SHMC. Parking facilities shall comply with all applicable sections of SHMC 17.08.090; including but not limited to all stormwater drainage, surfacing, and dimensional standards. All parking lots and driveway approaches shall be hard surfaced and permanently marked.

6. Any sign used to advertise the proposed use shall comply with the sign standards listed in SHMC 17.96 as well as any applicable Oregon Department of Transportation (ODOT) requirements.
7. 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. 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.

VI. ATTACHMENTS

- A Site Plan
- B Subject Property Map
- C Application



Subject Properties

MAIN

23RD

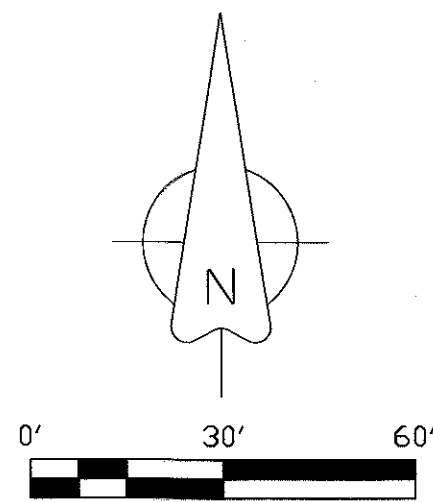
LARCH

CU21-04
13S01E32BA 800, 600

Date: 03/05/21



1 inch = 108 feet



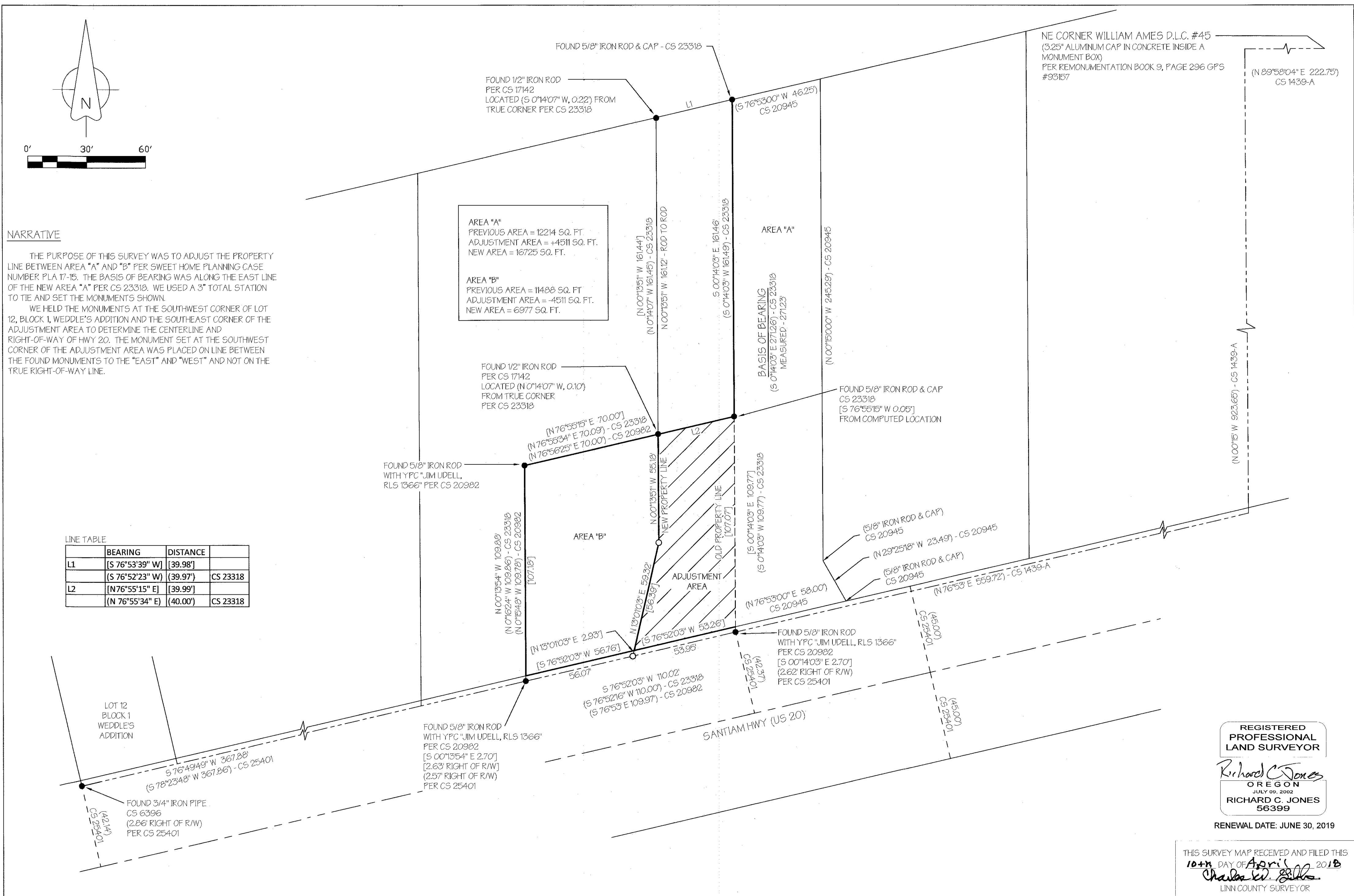
NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO ADJUST THE PROPERTY LINE BETWEEN AREA "A" AND "B" PER SWEET HOME PLANNING CASE NUMBER PLA 17-15. THE BASIS OF BEARING WAS ALONG THE EAST LINE OF THE NEW AREA "A" PER CS 23318. WE USED A 3" TOTAL STATION TO TIE AND SET THE MONUMENTS SHOWN.

WE HELD THE MONUMENTS AT THE SOUTHWEST CORNER OF LOT 12, BLOCK 1, WEDDLE'S ADDITION AND THE SOUTHEAST CORNER OF THE ADJUSTMENT AREA TO DETERMINE THE CENTERLINE AND RIGHT-OF-WAY OF HWY 20. THE MONUMENT SET AT THE SOUTHWEST CORNER OF THE ADJUSTMENT AREA WAS PLACED ON LINE BETWEEN THE FOUND MONUMENTS TO THE "EAST" AND "WEST" AND NOT ON THE TRUE RIGHT-OF-WAY LINE.

LINE TABLE

	BEARING	DISTANCE	
L1	[S 76°53'39" W]	[39.98']	
	[S 76°52'23" W]	(39.97')	CS 23318
L2	[N 76°55'15" E]	[39.99']	
	(N 76°55'34" E)	(40.00')	CS 23318



- LEGEND
- = FOUND MONUMENT AS NOTED
 - = SET 5/8" X 30" REBAR WITH ORANGE PLASTIC CAP "C.T.C.", LS 56399
 - () = INFORMATION FROM PREVIOUS SURVEY/DEED
 - [] = CALCULATED INFORMATION

APPROVAL:
CITY OF SWEET HOME FILE NO. PLA 17-15

Darald B. Ante
COMMUNITY DEVELOPEMENT DIRECTOR

3-22-18
DATE

CS	26417	SHEET 1 OF 1
FOR:	JOHN CVITANICH	
LOCATION:	N 1/2, SECTION 32, T. 13 S., R. 1 E., W. M. & IN WILLIAM AMES D.L.C. #45 CITY OF SWEET HOME LINN COUNTY, OREGON	
DATE:	DECEMBER 18, 2017	SCALE: 1" = 30'

DRAWN BY:
R. JONES, PLS 56399

Cascade Timber
Consulting, Inc.

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

THIS SURVEY MAP RECEIVED AND FILED THIS
10th DAY OF April, 2018
Charles W. Jones
LINN COUNTY SURVEYOR

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Richard C. Jones
OREGON
JULY 09, 2002
RICHARD C. JONES
56399

RENEWAL DATE: JUNE 30, 2019



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

Application for a Conditional Use Permit

Date Received: 3-4-21
Date Complete: 03.05.21
File Number: CU21-04
Application Fee \$: 615.00 cash
Receipt #: 75898/4264
Hearing Date: 05.03.21

Applicant's Name:

Dustin Pomeroy

Applicant's Address:

43101 N River Sweet Home OR 97386

Applicant's Phone and e-mail:

720 320-9525 dust1p84@gmail.com

Subject Property Address:

2252 Main St Sweet Home, Or 97386

Subject Property Assessor's Map and Tax Lot:

258141 13501E32DA00800

Subject Property Size:

Property Owner:

John Cvitanich

Owner's Address:

26757 Powell Hill Rd, Sweet Home

Owner's Phone and email:

(541) 401-4927

johndcvitanich@gmail.com

258125 13501E32DA00600

Subject Property: Zoning Classification

Comprehensive Plan Classification:

Nature of Applicants Request

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

Retail Cannabis Dispensary For Retail & Medical Consumers

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

No impact to noise, odor, dust or various other concerns. Has on site parking. Minimal to no impact on traffic. See additional info

Submittal Requirements

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

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

Applicant's Signature:

[Signature]

Date:

3-4-21

Property Owner's Signature:

[Signature]

Date:

3-4-21

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.



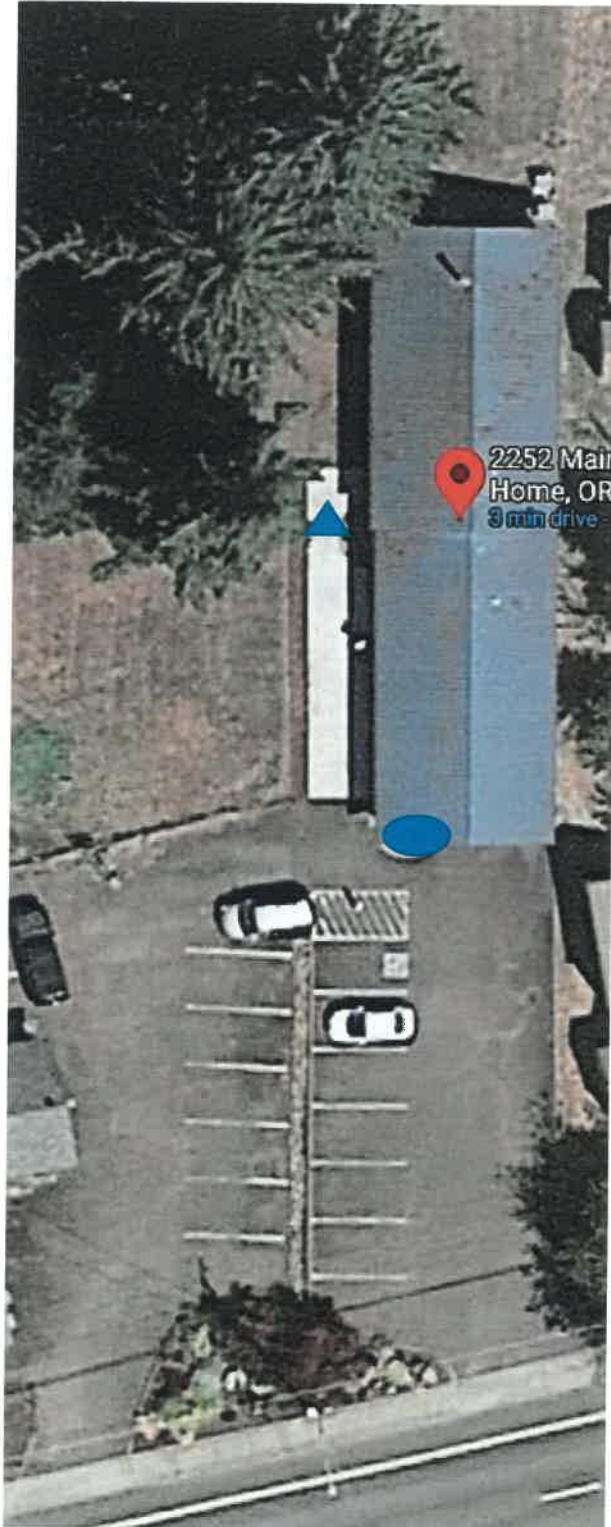
Going Green Sweet Home
925 Main Street
Sweet Home, Oregon
(541) 405-8071

Re: Conditional Use Application Form

Below we will attempt to address the application requirements for a Conditional Use Permit for the address 2252 Main St. Sweet Home, Or 97386

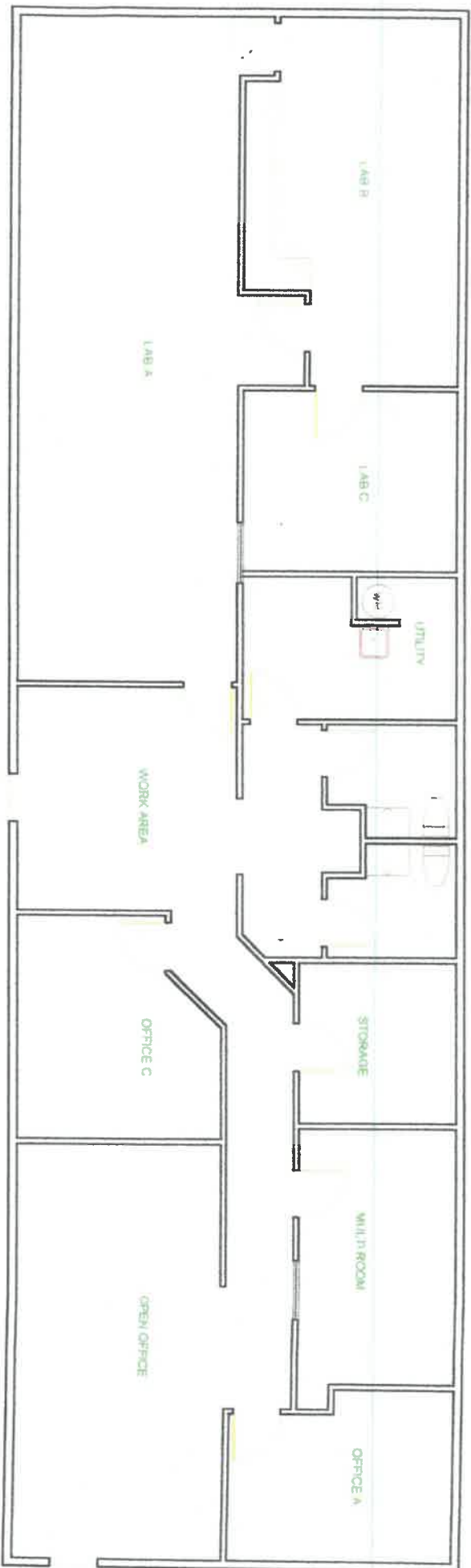
SHMC 17.80.030

1. **Site Plan:** There is no proposed development. We are interested in the existing structure.
2. **Proposed Use/Impact Statement:** The proposed use would be to move an existing Marijuana Retail store to the location from its current location across town. The impact on the neighborhood, we believe, would be minimal as it is already a part of town where many of our customers visit regularly for grocery and retail shopping. The building is back from the street and includes off street parking allowing for little to no traffic other than the center lane being used to turn into our parking lot if traveling from the west part of town. The retail nature of the business results in low impact regarding noise, odor, or other concerns to surrounding businesses.
3. **Business Operation Plan:** Operation of a retail shop with normal operating hours. Usually 9AM to 9PM during the winter months and 8AM to 10PM during the summer months.
4. **Parking:** The location has 13 off street parking locations, including one ADA approved spot near the building. I have included an additional document that shows the parking and entrance/exit for the shop.
5. **Entrance/Exit Info:** The entrance will be located on the west side of the building and the exit on the south side exiting into the parking lot. The locations are visible on the attached document for the circulation plan. The size of the doors are 36.68 Wide making them ADA compliant.
6. **Traffic Impact Study:** We have not done a traffic impact study but understand the requirement if requested by the City Engineer or Planner.



On Site Circulation Plans

Customers would enter the lot from the eastern entrance and select a vacant parking place. The entrance to the store will be located at the center of the building (▲) and the exit will be located on the south side of the building (●). They will then pull around the lot and exit on the western side of the lot.



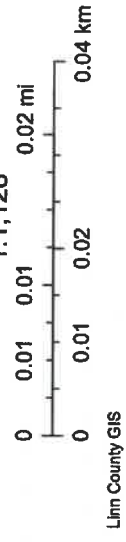
LIVING AREA
2807 sq ft

Linn County Surveyor Application



3/2/2021, 3:16:52 PM

1:1,128



- Townships
- Address
- Roads
- Surveys
- County Boundary
- Cities
- Sections
- Section Corners
- Highways
- Tax Lots

Map created using the Linn County Oregon web mapping application
This product is for informational purposes only and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the

FOR ASSESSMENT AND
MAPPING ONLY

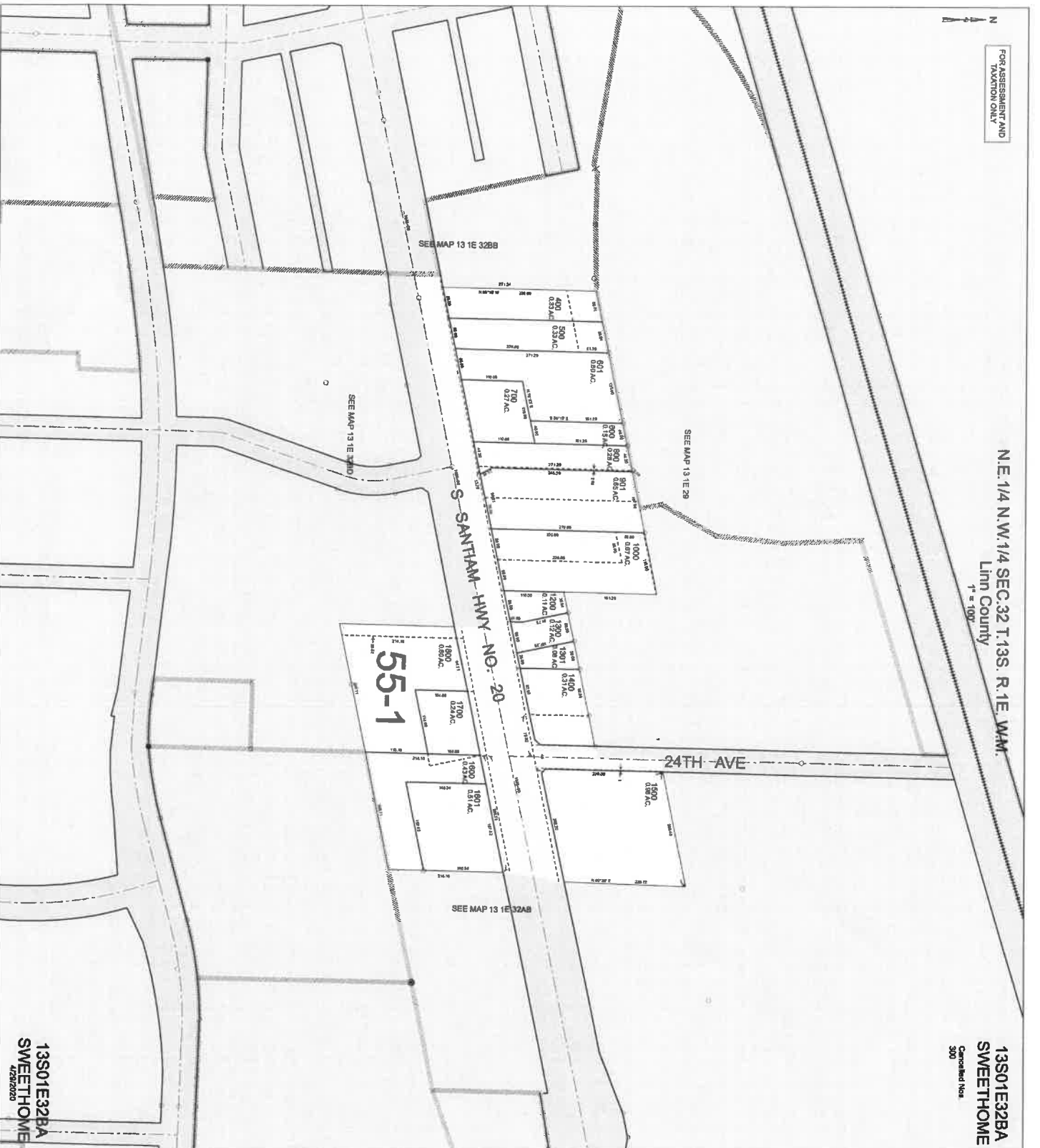
N.E. 1/4 N.W. 1/4 SEC. 32 T.13S. R.1E. WM.

Linn County

1" = 100'

13S01E32BA
SWEETHOME

Cancelled Nos
300



13S01E32BA
SWEETHOME
4250200

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of a notary service for residential home loan document applicants, operated by a resident of the property, within the dwelling located on the property. The applicant expects to see between 1 to 2, but potentially up to 6 clients per day with hours ranging from 1 to 2 per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 19,222 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT: ChanTera Taft ABN: Mid Valley Signings

PROPERTY OWNER: James Ray Madison

FILE NUMBER: CU21-05

PROPERTY LOCATION: 4511 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E33AD Tax Lot 01800.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.36.030, 17.80.040

HEARING DATE & TIME: May 3, 2021 at 6:30 PM

HEARING LOCATION: City Hall at 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

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

Floodplain Based on a review of the September 29, 2010 FEMA FIRM Maps; Panel 41043C0918G, the subject property is located outside of the 100-year floodplain.

Wetlands: Based on a review of the City of Sweet Home Local Wetlands Inventory and a review of the National Wetlands Inventory Map, the subject property does not contain inventoried wetlands.

Access: The subject property has frontage and access along Long Street.

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

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: March 9, 2021

Notice Published in Newspaper: March 17, 2021

Planning Commission Public Hearing: May 3, 2021

120-Day Deadline: July 7, 2021

Notice was provided as required by SHMC 17.12.120

II. COMMENTS

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

Engineering Division: Regarding the CU21-05 request for a Home Occupation at 4511 Long Street, the location has a wide concrete driveway and a gravel side addition to the driveway. The traffic impacts at the location appear to be minimal with number of clients anticipated. The resident structure is connected to City water and sewer services. CEDD-ES have no issues with this Conditional Use.

Public Works Dept. Public Works has no concerns with the request at this time.

Sweet Home Fire District: The Fire District has no issues or concerns with this request.

Public Comments: No comments as of the issue of this Staff Report.

III. REVIEW AND DECISION CRITERIA

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion. The applicant's findings are included in their written statement included in Attachment D.

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

Staff Findings: The subject property is in the R-1 Zone. notary service for residential home loan document applicants, operated by a resident of the property, within the dwelling located on the property. An in-home business may be established in the R-1 Zone as a conditional use under SHMC 17.24.030(P).

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU21-05.

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;

Applicants Comments: Home office is an 11'x10' room and includes a separate adjacent guest restroom for client use. Both rooms are partitioned from the rest of the home during duty hours.

2. Parking;

Applicants Comments: Up to 4 client vehicles can park in the off-street concrete driveway.

3. Traffic;

Applicants Comments: Client traffic will be minimal, as this is option availability is reserved for clients who can be better served when signing loan documents at my home office.

4. Noise;

Applicants Comments: There is no noise emitted from printing or signing loan documents.

5. Vibration;

Applicants Comments: There is no vibration emitted from printing or signing loan documents.

6. Exhaust and emissions;

Applicants Comments: There are no exhaust or emissions emitted from printing or signing loan documents.

7. Light and glare;

Applicants Comments: There is no light or glare emitted from printing or signing loan documents.

8. Erosion;

Applicants Comments: There is no erosion produced as a result of printing or signing loan documents.

9. Odor;

Applicants Comments: There is no odor emitted from printing or signing loan documents.

10. Dust;

Applicants Comments: There is no dust emitted from printing or signing loan documents.

11. Visibility;

Applicants Comments: Office building and address numbers are visible from Long Street. All exterior lighting is brightly lit enough to see in the dark to and from vehicle parking area.

12. Safety;

Applicants Comments: Printing and signing documents is not a safety hazard to the public or clients. Neighborhood is a no/low crime area with very low likelihood of being threatened or mugged.

13. Building, landscaping or street features. [SHMC 17.80.040(B)]

Applicants Comments:

Staff Findings: The applicant is requesting this conditional use permit in order to establish a home occupation of a notary service for residential home loan document applicants operated by a resident of the property within the dwelling located on the property. Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

The application complies with this criterion.

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

Applicants Comments: The applicant states that they have a good rapport with the neighbors and does not foresee a disruption for neighbors due to light traffic and low/no business noise at the residence.

Staff Findings: Staff has not identified any negative impacts to adjacent properties. In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of approval that are listed in Section V of this report.

The application complies with this criterion.

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

Applicants Comments: The applicant states that they will likely have no more than 2 clients signing loan documents at any given time. There is a seat for each of them. The guest restroom accommodates 1 user at a time.

Staff Findings: The subject property is currently served by City water and sewer. Staff finds that the proposed use has adequate capacity.

The application complies with this criterion.

E. Home occupations must meet the following standards:

1. The home occupation shall be secondary to the residential use.

Applicants Comments: The applicant states that the home office is located within the home but has its own room with a privacy door for conducting loan signings.

Staff Findings: The applicant is the owner and resides on the subject property. The owner would be the sole participant in the business operation. The home occupation is secondary to the residential use.

The application complies with this criterion.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Applicants Comments: The applicant states that there is an interior entrance partition that separates the home office door and entrance door that directs clients from entering the rest of the home.

Staff Findings: The home occupation, according to the applicant, would be conducted within the existing house.

The application complies with this criterion.

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

Applicants Comments: The applicant states that the business is conducted with standard business office equipment i.e. phone, high-speed internet, computer, laser printer, toner, fax and scanner.

Staff Findings: The applicant indicates the home occupation will not use any materials or mechanical equipment that will create any impacts on the neighborhood.

The application complies with this criterion.

4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.

Applicants Comments: The applicant states that personal vehicles are parked inside the garage and the side gravel parking lot on the left side of the property. The concrete driveway pad will be reserved for clients during appointments.

F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]

Staff Findings: The applicant is not proposing to establish a marijuana facility.

J. 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]

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.

In order to ensure compliance with the standards listed in the SHMC, staff has included proposed conditions of development listed in Section V of this report. These conditions are primarily a customized list of existing local, state, and federal standards that apply to the application.

K. 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, staff recommends that a condition of approval require that 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. 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. PLANNING COMMISSION ACTION

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is 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 decides, 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.

V. RECOMMENDED CONDITIONS IF APPROVED

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

Recommended Conditions of Approval for CU21-05:

1. The home occupation will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. All aspects of the home occupation shall be contained and conducted within a completely enclosed building as proposed in this application. Parking may occur outdoors in compliance with the SHMC.
3. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic.
4. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

VI. ATTACHMENTS

- A Site Plan
- B Subject Property Map
- C Application



SUBJECT PROPERTY

LONG

R1

45TH



1 inch = 90 feet

Subject Property Map
CU21-05
13S01E33AD01800

Date: 03/09/21

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to allow for a single-family dwelling. In the Recreation Commercial (RC) Zone a residential use not related to or in conjunction with a recreational development is allowed per a conditional use. [SHMC 17.60.030 (D)]. The subject property contains approximately 4,997 square feet and is in the Recreation Commercial (RC) Zone.

APPLICANT: Marcos Garcia

PROPERTY OWNER: Marcos Garcis

FILE NUMBER(S): CU21-06

PROPERTY LOCATION: Abuts 5973 Nandina Street to the west, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E27DA Tax Lot 01401.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.60.030, 17.80.040

HEARING DATE & TIME: **May 3, 2021 at 6:30 PM**

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

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

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION**ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:**

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Recreation Commercial (RC)	Planned Recreation
Property North	Recreation Commercial (RC)	Planned Recreation
Property East	Recreation Commercial (RC)	Planned Recreation
Property South	Industrial (M)	Heavy Industrial
Property West	Recreation Commercial (RC)	Planned Recreation

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0916G dates September 29, 2010, the subject property is not located in the 100-year floodplain.

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

Access: The subject property has frontage along Nandina Street.

Services: The property has access to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received: March 23, 2021

Application Deemed Complete: March 25, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: March 31, 2021

Notice Published in New Era Newspaper: March 3, 2021

Date of Planning Commission Hearing: April 7, 2021

120-Day Processing Deadlines: July 23, 2021

II. COMMENTS

CEDD Engineering: Regarding the proposed residence on Nandina St off 59th Avenue. There is an 8" sanitary sewer line available in Nandina St. There is also an 8" waterline extended from 60th Avenue to the fire hydrant on Nandina St. Both city services are available for connection. No storm drainage is available on Nandina St. The new residence will be addressed as 5983 Nandina St. CEDD-ES has no issues with the location of the new residence.

Public Works Division: No comments as of the issue of this Staff Report.

Building Division: The Building Program has no issues with this request for a conditional use.

Sweet Home Fire District: No comments as of the issue of this Staff Report.

Public Comment: No comments as of the issue of this Staff Report.

III. REVIEW AND DESIGN CRITERIA

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

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

Applicants Comments: The Applicant states that the proposed use complies with ALL current SHMC ordinances including conditional uses permitted.

Staff Findings: Staff finds that the applicants request complies with the underlying zone, city codes, state and federal laws. In the Recreation Commercial (RC) Zone a residential use not related to or in conjunction with a recreational development is allowed per a conditional use. [SHMC 17.60.030 (D)]

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;

Applicants Comments: The Applicant states that the proposed use/dwelling size meets SHMC criteria for single family residential use and the proposed dwelling is compatible/comparable in size/shape and height with ALL current surrounding uses.

2. Parking;

Applicants Comments: The Applicant states that the proposed use/dwelling parking will meet SHMC criteria for single family residential use. The proposed use will utilize the two-car garage for parking along with the two-car on property driveway. NO street parking will be needed. The current proposed parking is comparable to existing surrounding single-family dwelling uses. During construction of the proposed use, parking needs may deviate due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

3. Traffic;

Applicants Comments: The Applicant states that traffic pattern from the proposed use will be consistent with other existing single-family dwellings from the surrounding area. Traffic patterns will consist of 6-8 am departure times and 5-6 pm arrivals Monday through Friday and variable traffic patterns on the weekend for the occupants of the home. NO commercial activity/traffic is proposed. During construction of the proposed use, traffic may deviate due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

4. Noise;

Applicants Comments: The Applicant states that No adverse noise will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL noise generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, noise may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

5. Vibration;

Applicants Comments: The Applicant states that no adverse vibration will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL vibration generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, vibration may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

6. Exhaust and emissions;

Applicants Comments: The Applicant states that no adverse exhaust & emissions will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL

exhaust/emissions generated from the proposed single family residential use will be comparable to other current surrounding uses.

7. Light and glare;

Applicants Comments: The Applicant states that no adverse light & glare will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL light/glare generated from the proposed single family residential use will be comparable to other current surrounding uses.

8. Erosion;

Applicants Comments: The Applicant states that no adverse erosion will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. During construction of the proposed dwelling, measures will be taken during excavation/grading of the property to prevent/mitigate erosion to occur offsite.

9. Odor;

Applicants Comments: The Applicant states that no adverse odors will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL odors generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, odors may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

10. Dust;

Applicants Comments: The Applicant states that no adverse dust will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL dust generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, dust may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home and measures will be taken to minimize dust during excavation/grading of the property.

11. Visibility;

Applicants Comments: The Applicant states that visibility will be maintained along the street frontage of the property and will meet/comply with ALL SHMC ordinances.

12. Safety;

Applicants Comments: The Applicant states that on site Safety will be maintained for the property and proposed dwelling and will meet/comply with ALL SHMC ordinances. During construction of the proposed dwelling, measures will be taken to prevent/mitigate any safety hazards that could occur both on and off property.

13. Building, landscaping or street features [17.80.040(B)].

Applicants Comments: The Applicant states that proposed dwelling, landscaping and street features will be maintained for the property and Will be constructed as required to meet/comply with ALL SHMC ordinances.

Staff Findings: The applicant is requesting this conditional use permit to allow for a single-family dwelling. In the Recreation Commercial (RC) Zone a residential use not related to or in conjunction with a recreational development is allowed per a conditional use. [SHMC 17.60.030 (D)]. Staff finds the site

size, dimensions, location, topography, and access are adequate for the needs of the proposed use. Per the staff engineer's comments, there is an 8" sanitary sewer line available in Nandina Street. There is also an 8" waterline extended from 60th Avenue to the fire hydrant on Nandina Street. Both City services are available for connection. There is no storm drainage available on Nandina Street.

The application complies with this criterion.

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

Applicants Comments: The Applicant states that no adverse negative impacts of the proposed use are proposed and/or will not impact adjacent properties. The proposed use/dwelling will meet/comply with ALL SHMC ordinances. During construction of the proposed use, construction activity occurring on the home will comply with ALL SHMC ordinances and will not be need mitigation through application by other code standards requiring approval.

Staff Findings: The applicant is requesting this conditional use permit to allow a single-family dwelling in the Recreation Commercial (RC) Zone. Staff finds that no potential impacts are identified.

The application complies with this criterion.

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

Applicants Comments: The Applicant states that the proposed use/dwelling will meet/comply with ALL SHMC ordinances and public facilities will have adequate capacity to serve the proposed use.

Staff Findings: The applicant is requesting this conditional use permit to allow a single-family dwelling in the Recreation Commercial (RC) Zone. Per the staff engineer's comments, there is an 8" sanitary sewer line available in Nandina Street. There is also an 8" waterline extended from 60th Avenue to the fire hydrant on Nandina Street. Both City services are available for connection. There is no storm drainage available on Nandina Street. Staff finds that there is adequate capacity for the proposed use.

The application complies with this criterion.

E. Home occupations must meet the following standards:

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

Applicants Comments: The Applicant states that the proposed use/dwelling will meet/comply with ALL SHMC ordinances regarding home occupation and if exercised will make home occupation secondary to residential use. No Home occupation is proposed and/or implied.

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

The application complies with this criterion.

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

Applicants Comments: The Applicant states that the proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation and if exercised will make all aspects of the home occupation contained within a completely enclosed accessory building. No Home occupation is proposed and/or implied.

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

The application complies with this criterion.

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

Applicants Comments: The Applicant states that the proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation and if exercised will not allow materials or mechanical equipment to be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors. No Home occupation is proposed and/or implied.

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

The application complies with this criterion.

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

Applicants Comments: The Applicant states that the proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation and if exercised will not allow Vehicles related to the home occupation be parked in a manner so as to not block any driveway or impede the safe flow of traffic. No Home occupation is proposed and/or implied.

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

The application complies with this criterion.

F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.

Applicants Comments: The Applicant states that no marijuana facility is proposed and/or implied.

Staff Findings: The applicant is not proposing a marijuana facility.

G. Marijuana facilities may not have any drive up services.

Applicants Comments: The Applicant states that no marijuana facility is proposed and/or implied.

Staff Findings: The applicant is not proposing a marijuana facility.

H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.

Applicants Comments: The Applicant states that no marijuana facility is proposed and/or implied.

Staff Findings: The applicant is not proposing a marijuana facility.

- I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.**

Applicants Comments: The Applicant states that no marijuana facility is proposed and/or implied.

Staff Findings: The applicant is not proposing a marijuana facility.

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

- 1. These conditions may include, but are not limited to, the following:**
 - a) Requiring larger setback areas, lot area, and/or lot depth or width;**
 - b) Limiting the hours, days, place and/or manner of operation;**
 - c) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;**
 - d) Limiting the building height, size or lot coverage, or location on the site;**
 - e) Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;**
 - f) Increasing the number of required parking spaces;**
 - g) Requiring street right-of-ways to be dedicated and streets, sidewalks, curbs, planting strips, pathways or trails to be improved, so long as findings in the development approval indicate how the dedication and/or improvements, if not voluntarily accepted by the applicant, are roughly proportional to the impact of the proposed development;**
 - h) Limiting the number, size, location, height and lighting of signs;**
 - i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;**
 - j) Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;**
 - k) Designating sites for open space or outdoor recreation areas;**
 - l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;**
 - m) Requiring ongoing maintenance of buildings and grounds;**
 - n) Setting a time limit for which the conditional use is approved. [SHMC 17.80.050(A)]**

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding

properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

If this application is approved, staff recommends the Planning Commission impose no conditions of approval as there are no potential impacts which need mitigation except for procedural conditions to assure the single-family dwelling is as represented by the applicant.

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

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

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions If the Application is Approved:

1. The construction and use of the single-family dwelling will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. The applicant shall provide the proposed property with its own water and sewer services. The access and utility easements shall be clearly identified.
3. Upon development of the proposed parcel, the property owner shall construct all applicable street, sidewalk and storm drain improvements that are required by, and according to the provisions of, the Sweet Home Municipal Code at the time of development. The applicant will be required to sign a Development Agreement with the Community and Economic Development (CEDD) Engineering Services department for the unimproved roadway. All public improvements must comply with the standards listed in the SHMC at the time of development.
4. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Recreation Commercial (RC) Zone.
5. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

V. PLANNING COMMISSION ACTION

In taking action on a Conditional Use Permit, the Planning commission will hold a public Hearing at which it may either approve or deny the application(s). If the application is denied, the action must be

based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

Appeal Period: Staff 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 CU21-06; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU21-06; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan
- C. Application

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



1 inch = 65 feet

Subject Property Map
CU21-06

Date: 03/30/21



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

Application for a Conditional Use Permit

Date Received: 03.23.21
Date Complete: 03.25.21
File Number: CU21-06
Application Fee \$: 615.00
Receipt #: 4293
Hearing Date: 05.03.21

Applicant's Name:

Marcos Garcia

Applicant's Address:

4138 Geranium Loop NE / Salem, OR

Applicant's Phone and e-mail:

503.932.9757 / northstarqualityconstruction@gmail.com

Subject Property Address:

5983 Nandina Street

Subject Property Assessor's Map and Tax Lot:

Map 27DA Tax Lot 1401

Subject Property Size:

.34 AC

Subject Property: Zoning Classification

RC Recreation Commercial

Property Owner:

Marcos Garcia

Owner's Address:

4138 Geranium Loop NE / Salem, OR

Owner's Phone and email:

503.932.9757 / northstarqualityconstruction@gmail.com

Nature of Applicants Request

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

The proposed use is a single family residential dwelling. The request is to allow the single family residence to be considered/approved within the current RC zone s=designation.

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

See enclosed attachment

Submittal Requirements

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

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

Applicant's Signature: _____

Date: 3-22-21

Property Owner's Signature: _____

Date: 3-22-21

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.



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

Application for a Conditional Use Permit

Date Received: _____
Date Complete: _____
File Number: _____
Application Fee \$: 615.00
Receipt #: _____
Hearing Date: _____

Applicant's Name:

Marcos Garcia

Applicant's Address:

4138 Geranium Loop NE / Salem, OR

Applicant's Phone and e-mail:

503.932.9757 / northstarqualityconstruction@gmail.com

Subject Property Address:

5983 Nandina Street

Subject Property Assessor's Map and Tax Lot:

Map 27DA Tax Lot 1401

Subject Property Size:

.34 AC

Subject Property: Zoning Classification

RC Recreation Commercial

Property Owner:

Marcos Garcia

Owner's Address:

4138 Geranium Loop NE / Salem, OR

Owner's Phone and email:

503.932.9757 / northstarqualityconstruction@gmail.com

Comprehensive Plan Classification:

Planned Recreation Community

Nature of Applicants Request

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

The proposed use is a single family residential dwelling. The request is to allow the single family residence to be considered/approved within the current RC zone s=designation.

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

See enclosed attachment

Submittal Requirements

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

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

Applicant's Signature:

Date:

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.

ATTACHMENT 1

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

Response:

The proposed single family residential use will be compatible with the surrounding existing single family homes surrounding the subject property along with family use RV stalls located at the nearby long term stay RV park.

Parking at the subject property will be limited to indoor garage parking and a two-vehicle stall driveway. No additional parking will be required for the subject property.

Noise from the proposed use will be consistent with normal single family residential use activity. Construction activity noise will occur during construction of the home but will comply with all noise ordinances per city of Sweet home zoning codes.

Odor from the proposed use will be consistent with normal single family residential use activity. Construction activity odor will be minimized during construction of the home but will comply with all odor ordinances per city of Sweet home zoning codes.

Dust from the proposed use will be consistent with normal single family residential use activity. Construction activity dust will be minimized during construction of the home but will comply with all dust ordinances per city of Sweet home zoning codes.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

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

- A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.**

Response:

The proposed use complies with ALL current SHMC ordinances including conditional uses permitted.

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

- 1. Building size;**

Response:

The proposed use/dwelling size meets SHMC criteria for single family residential use and the proposed dwelling is compatible/comparable in size/shape and height with ALL current surrounding uses.

2. Parking;

Response:

The proposed use/dwelling parking will meet SHMC criteria for single family residential use. The proposed use will utilize the two-car garage for parking along with the two-car on property driveway. NO street parking will be needed. The current proposed parking is comparable to existing surrounding single-family dwelling uses. During construction of the proposed use, parking needs may deviate due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

3. Traffic;

Response:

Traffic pattern from the proposed use will be consistent with other existing single-family dwellings from the surrounding area. Traffic patterns will consist of 6-8 am departure times and 5-6 pm arrivals Monday through Friday and variable traffic patterns on the weekend for the occupants of the home. NO commercial activity/traffic is proposed. During construction of the proposed use, traffic may deviate due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

4. Noise;

Response:

NO adverse noise will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL noise generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, noise may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

5. Vibration;

Response:

NO adverse vibration will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL vibration generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, vibration may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

6. Exhaust and emissions;

Response:

NO adverse exhaust & emissions will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL exhaust/emissions generated from the proposed single family residential use will be comparable to other current surrounding uses.

7. Light and glare;

Response:

NO adverse light & glare will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL light/glare generated from the proposed single family residential use will be comparable to other current surrounding uses.

8. Erosion;

Response:

NO adverse erosion will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. During construction of the proposed dwelling, measures will be taken during excavation/grading of the property to prevent/mitigate erosion to occur offsite.

9. Odor;

Response:

NO adverse odors will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL odors generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, odors may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home.

10. Dust;

Response:

NO adverse dust will be produced from the proposed use/dwelling and will meet/comply with ALL SHMC ordinances. Any/ALL dust generated from the proposed single family residential use will be comparable to other current surrounding uses. During construction of the proposed use, dust may occur due to construction activity occurring on the home, however, that would only be temporary during the construction of the home and measures will be taken to minimize dust during excavation/grading of the property.

11. Visibility;

Response:

Visibility will be maintained along the street frontage of the property and will meet/comply with ALL SHMC ordinances.

12. Safety;

Response:

On site Safety will be maintained for the property and proposed dwelling and will meet/comply with ALL SHMC ordinances. During construction of the proposed dwelling, measures will be taken to prevent/mitigate any safety hazards that could occur both on and off property.

13. Building, landscaping or street features.

Response:

Proposed dwelling, landscaping and street features will be maintained for the property and Will be constructed as required to meet/comply with ALL SHMC ordnances.

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.

Response:

NO adverse negative impacts of the proposed use are proposed and/or will not impact adjacent properties. The proposed use/dwelling will meet/comply with ALL SHMC ordnances. During construction of the proposed use, construction activity occurring on the home will comply with ALL SHMC ordnances and will not be need mitigation through application by other code standards requiring approval.

D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordnances and public facilities will have adequate capacity to serve the proposed use.

E. Home occupations must meet the following standards:

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation. No Home occupation is proposed and/or implied.

1. The home occupation shall be secondary to the residential use.

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation and if exercised will make home occupation secondary to residential use. No Home occupation is proposed and/or implied.

2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordnances regarding home occupation and if exercised will make all aspects of the home occupation contained within a completely enclosed accessory building. No Home occupation is proposed and/or implied.

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

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordinances regarding home occupation and if exercised will not allow materials or mechanical equipment to be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors. No Home occupation is proposed and/or implied.

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

Response:

The proposed use/dwelling will meet/comply with ALL SHMC ordinances regarding home occupation and if exercised will not allow Vehicles related to the home occupation be parked in a manner so as to not block any driveway or impede the safe flow of traffic. No Home occupation is proposed and/or implied.

- F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.**

Response:

No Marijuana facility is proposed and/or implied.

- G. Marijuana facilities may not have any drive up services.**

Response:

No Marijuana facility is proposed and/or implied.

- H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.**

Response:

No Marijuana facility is proposed and/or implied.

- I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.**

Response:

No Marijuana facility is proposed and/or implied.



Staff Report Presented to the Planning Commission

REQUEST: The applicant is seeking a variance to allow for a front setback of 15 feet instead of the required 20 feet. A front yard abutting a residential zone shall be a minimum of 20 feet per SHMC 17.32.040. The western property line of the proposed parcel abuts a residential zone. The reduction of the front setback is due to the Sweet Home Fire District requiring additional square footage for a fire apparatus turnaround. The southern portion of the proposed parcel is within the 50-foot riparian zone, is designated as a natural resource zone and is a significant wetland (see Attachment C).. Streets, roads, driveways, or paths are exceptions in the riparian zone per SHMC 17.72.050. The property is in the Commercial Central (C-1) Zone.

APPLICANT: Mark Lund

PROPERTY OWNER: Mark Lund

FILE NUMBER: VR21-01

PROPERTY LOCATION: One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.88.040, 16.28.020, 16.12.030.

HEARING DATE & TIME: May 3, 2021

HEARING LOCATION: City Hall Council Chamber at 3225 Main Street, Sweet Home, Oregon 97386

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

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Central Commercial (C-1)	Central Commercial
Property North	Central Commercial (C-1)	Central Commercial
Property East	Central Commercial (C-1)	Public
Property South	Residential High Density (R-2)	High Density Residential
Property West	Residential Low Density (R-1)	High Density Residential Central Commercial

Floodplain: Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010. The southern portion of property are in the Special Flood Hazard Area and in the Natural Resource Zone.

Wetlands: Ames Creek and the 50-foot riparian zone of the property are in a Significant Wetland. The southern portion of the property are in the 100-year floodplain listed on the National Wetlands Inventory (NWI) Map or on the Sweet Home Local Wetlands Inventory Map.

Access: The proposed development would have access from Long Street.

Water and Sewer Services: The proposed development has access to City water and sewer services.

TIMELINES AND HEARING NOTICE:

Application Received:	March 31, 2021
Application Deemed Complete:	April 1, 2021
Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies:	April 1, 2021
Notice Published in New Era Newspaper:	April 7, 2021
Date of Planning Commission Hearing:	May 3, 2021
120-Day Processing Deadlines:	July 30, 2021

II. COMMENTS

CEDD Engineering: Regarding the Variance Request for the development at Long St and 10th Avenue, considering the encroachment of the riparian corridor and Natural Resource Zone along Ames Creek, the development must naturally be sited toward the front of the property. The submitted site plan indicates the required landscape buffer between the sidewalk and the single car parking space in front will fit. While not part of Variance Criteria, the presence of two sanitary sewer easements on the property also constrain any building footprint to certain locations. City services are available onsite and in Long Street for this development. CEDD-ES have no concerns about this variance.

Public Works Division: No comments as of the mailing of this notice.

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

Sweet Home Fire District: The setback variance would be something the applicant would need from our review of his plan. We asked that he adjust building locations for Sweet Home Fire to be able to access both buildings from the driveway turning east. Please note this made a variance necessary that we are aware of and support.

Public Comments: No comments as of the mailing of this notice.

III. REVIEW AND DESIGN CRITERIA

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)]**

Staff Findings: The situation that created the need for a variance was not created by the applicant. The situation is due to the southern portion of the proposed property being within the 50-foot riparian corridor and is designated as a significant wetland. The applicant has proposed a parking area within the wetland and abutting the riparian corridor buffer.

The following activities may be excepted from the requirements of this chapter upon administrative review approval that they are designed to meet the standards listed in this chapter. A. Drainage facilities, utilities, and irrigation pumps; B. Streets, roads, driveways or paths; [SHMC 17.72.050 (A-B)]

With the above conditions, the application complies with these 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)]**

Staff Findings: Staff has not identified any reasons why the applicant's proposed variance would be detrimental to public health or safety.

The application complies with these criteria.

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

Staff Findings: Staff has not identified any goals or policies of the Comprehensive Plan that would preclude the proposed variance.

The application complies with these criteria.

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

Staff Findings: Staff finds that the proposed variance is the minimum request necessary to make reasonable use of the property.

The application complies with these criteria.

- d. **The requested variance is consistent with the purposes of the zone; [SHMC 17.88.040(D)]**
 - i. **The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of the city.**
 - ii. **The purpose of the Natural Resources (NR) Zone is designed to protect identified significant natural resources in the City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources.**

Staff Findings: The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Ames Creek has a 50-foot-wide vegetated corridor, per side. Staff finds that the requested variance is consistent with the purposes of the C-1 and NR zones.

The application complies with these criteria.

- 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)]**

Staff Findings: The applicant is not requesting more than one variance.

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

Staff Findings: Staff has not identified any negative impacts resulting from the proposed variance.

The application complies with these criteria.

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

Staff Findings: Staff has not identified any characteristics or features of the variance proposal that would have an adverse impact on property values, livability of the development in the surrounding area or the natural environment.

The application complies with these criteria.

- 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)]**

Staff Findings: The southern portion of the proposed property is within the 50-foot riparian zone and is designated as a significant wetland (see Attachment B). The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event. Ames Creek has a 50-foot wide vegetated corridor, per side.

The application complies with these criteria.

- 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]**

Staff 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.

IV. STAFF RECOMMENDATION

Staff finds the applicant has met the criteria listed above in Section III. As a result, staff recommends approval of VR21-01. Staff has not recommended any Conditions of Approval.

V. PLANNING COMMISSION ACTION

The Planning Commission will hold a public hearing at which it may either approve or deny the application. If the application is denied, the action must be based on the applicable review and decision criteria.

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 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 shall 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 of the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application VR21-01 and thereby permit the variance proposed at One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700; adopting the Findings of Fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application VR21-01 and thereby deny the request for a variance proposed at One lot east of 925 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 11700; adopting the following Finding of Fact (specify), the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct Staff to prepare an Order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other

VI. ATTACHMENTS

- A. Subject Property Map
- B. Proposed Site Plan
- C. VR21-01 Application submitted March 31, 2021

The full record is available for review at the City of Sweet Home Community and Economic Development Department Office located at City Hall, 3225 Main Street, Sweet Home, Oregon 97386. Regular business hours are between 7:00 AM and 5:00 PM, Monday through Friday, excluding holidays.



C1

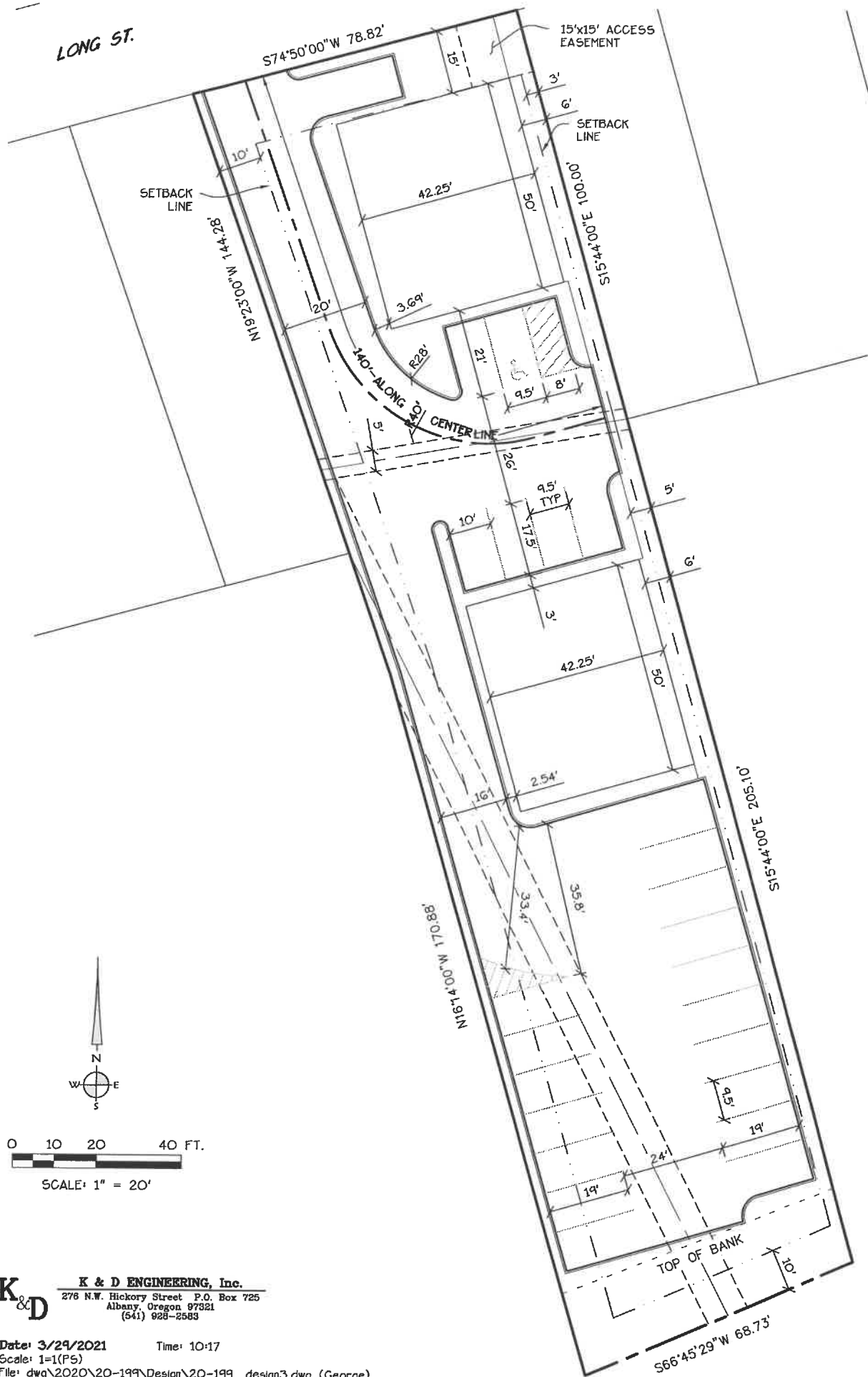
SUBJECT PROPERTY



1 inch = 72 feet

Subject Property Map
VR21-01

Date: 04.01.21



K & D

K & D ENGINEERING, Inc.

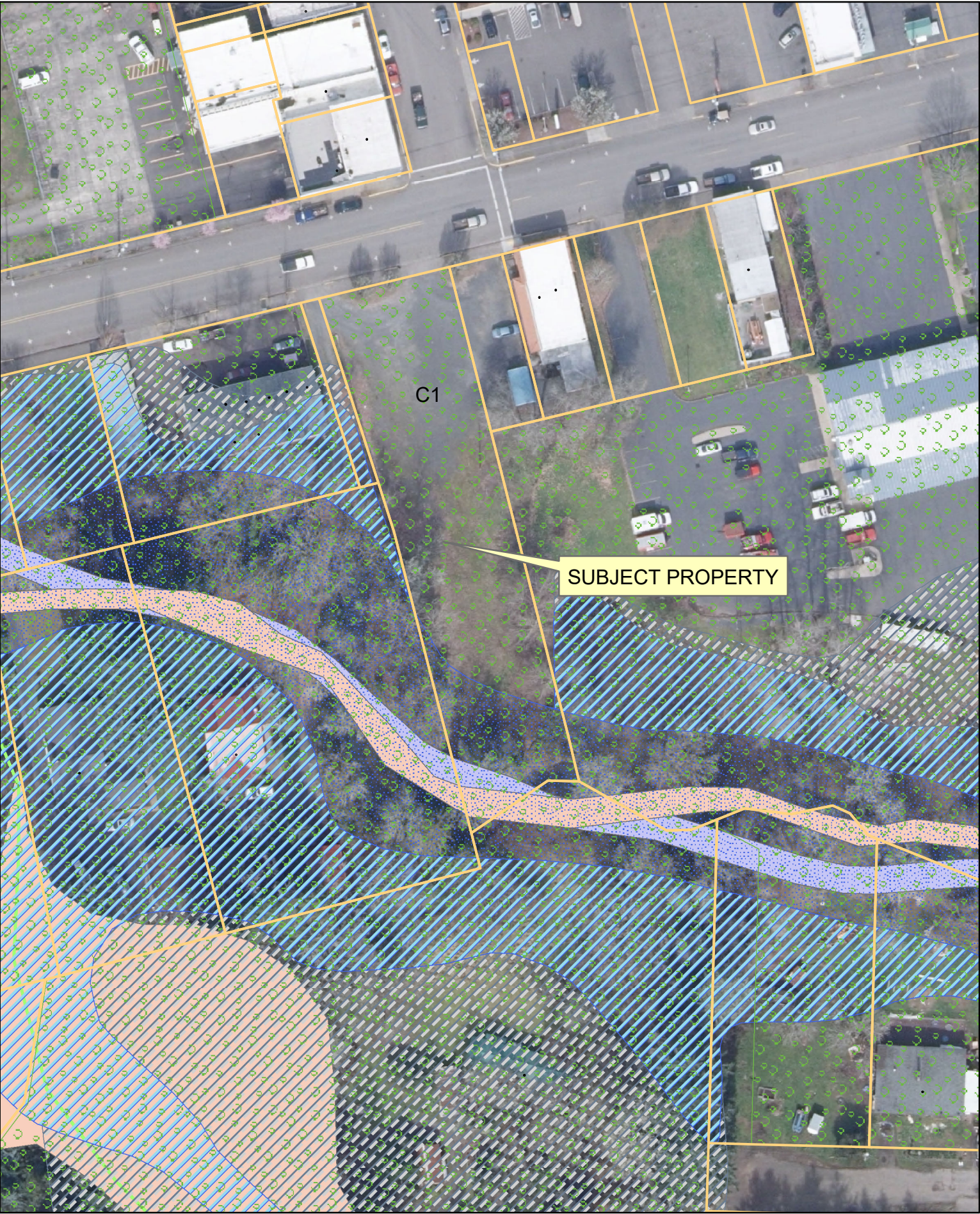
276 N.W. Hickory Street P.O. Box 725
Albany, Oregon 97321
(541) 938-2583

Date: 3/29/2021

Time: 10:17

Scale: 1"=1'(P5)

File: dwg\2020\20-199\Design\20-199_design3.dwg (George)



1 inch = 72 feet



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

Application for a Zoning Variance

Date Received: 03.31.21
Date Complete: 04.01.21
File Number: VR21-01
Application Fee \$: 590.00
Receipt #: 4297
Hearing Date: 05.03.21

Applicant's Name: Mark Lund

Property Owner: Mark Lund

Applicant's Address: 1350 E 31st 11700 Long St.

Owner's Address: _____

Applicant's Phone and e-mail: 541-223-1105 m1lund99@hotmail.com

Owner's Phone and email: _____

Subject Property Address: 59621 Mt Hope Dr. Lebanon, OR 97355

Subject Property Assessor's Map and Tax Lot: 11700 Long St. Sweet Home, OR 97386 1350 E 31st 11700

Subject Property Size: 0.53

Subject Property: Zoning Classification
Commercial

Comprehensive Plan Classification: _____

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.

change Front setback from 20' to 15'. would allow fire truck to get back of lot more efficiently.

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

building Moving the front setback from 20' to 15' will shift the building forward and giving fire truck more access room to the back.

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

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: Mark Lund

Date: 3/31/21

Property Owner's Signature: Mark Lund

Date: 3/31/21

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.

Variance Criteria

A. Tax lot # 135NE31AC11700

B. Yes

C. Yes

D. Just one variance request

E. N/A

F. Min

G. Yes. Significant wetlands and riparian corridors on southern portion of lot.



City of Sweet Home

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting to subdivide an approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area.

The proposed subdivision is in the Residential Low Density (R-1) Zone.

APPLICANT: Savely Kalugin

PROPERTY OWNER: Saz Yakis

FILE NUMBER: SD21-01

PROPERTY LOCATION: Between 23rd Avenue and Foothills Drive, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 04403.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 16.12, 16.16, and 17.24.040 through 17.24.060.

HEARING DATE & TIME: May 3, 2021 at 6:30 PM

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

STAFF CONTACT: Angela Clegg, Associate Planner
Phone: (541) 367-8113

REPORT DATE: April 26, 2021

I. PROJECT AND PROPERTY DESCRIPTION

The applicant is requesting to subdivide approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. The proposed subdivision is in the Residential Low Density (R-1).

Foothills Ridge Subdivision will create 26 lots for single-family dwellings on 6.50 acres located on Linn County Assessor's Map No. 13S01E32CA, Tax Lot 4403 (Attachment B). Lots created by the proposed subdivision will provide a variety of sizes. The smallest proposed lot is 8,226 square feet, while the largest lot is 9,950 square feet. The proposed subdivision's average lot size is 8,932 square feet.

The proposed subdivision conforms to all applicable sections of the Sweet Home Municipal Code (SHMC) and when necessary City of Sweet Home's Comprehensive Plan. This application narrative provides findings of fact that demonstrate conformance with all applicable sections of the SHMC.

The subject property is accessed via Foothills Drive and 23rd Avenue. Foothills Drive is a paved road, has one lane in each direction, and is constructed to urban local road standards. 23rd

II. COMMENTS

Engineering Division: Regarding the proposed Foothills Ridge subdivision connecting the West end of Foothills Drive and the South end of 23rd Avenue, the following items shall be required.

The TSP roadway dimensions require a minimum 3-foot planter strip for Local Streets which the narrative and plan do not show. Foothills Drive is wide enough for planter strips to be constructed and are required. The proposal shows a 50-foot right-of-way, which provides adequate width for 5 feet sidewalk, 4 feet planter, and 30-foot curb to curb widths which provides the minimum 7 feet parking and travel lanes, etc. However, 23rd Avenue is only 40 feet wide with some portions at 35-foot-wide, the planter strips are not required, and sidewalks can be curbside.

The City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B. The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. However, city water crews have recently removed that work item from the subdivision requirements with our replacement in April 2021 of that waterline. The city has placed 250 foot of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. The city has done this work for our own distribution system needs; the developer would have had to do this otherwise. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.

The Fire & Ambulance District is requiring that the NE corner of Foothills Drive and 23rd Ave be a rounded corner with a 20-foot radius, to facilitate turning of large vehicles. The properties on the south boundary accessed by easement do not indicate if the front residences will or will not connect to that shared driveway. If they do then each driveway will have four residences, lessening the number of driveway aprons to Foothills Drive itself. However, it may create some issues with emergency services and access to those residences.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A STOP sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The Tract A as noted in the plan and narrative is intended to be transferred to City of Sweet Home ownership. The maintenance of

private stormwater basins is up to the local residences with or without a HOA, who benefit from the subdivision development and the stormwater basin, not the city. That property needs to remain under the ownership of the developer, or a HOA.

Because of the limited width of 23rd Ave, and the potential awkward connection to the adjacent drainage channel if it was done in the roadway, the outlet from the detention basin is shown to connect to that channel on the property of Lot 1 (Anderson) of Jefferson View Addition. An easement will be necessary on that property if there is not one currently available.

The tentative plan does not show how the development will accommodate runoff from the south hillside. There will need to be an easement, channel, area catch basins or some combination of those along the south line of the properties. That stormwater collection will then be another pipeline in the shared driveway easement down the driveway to Foothills Drive. The southern properties are about 12 foot to 15 foot above the central flat portion of the development.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets, so by the time this proposed subdivision starts construction, there may already be good pavement in portions of 23rd Ave and Harding Street.

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

Public Works: 23rd Avenue improvements will be required upon development.

Building Division: The Building Program has no issues with this proposed Subdivision. Proof of Private Access and Utility Easements to rear properties will be required on final survey, with approved widths/measurements.

**Oregon Department
Of State Lands:** The applicant requested an offsite determination last year, WD2020-0035. We sent a copy of the response to your office. The determination recommended a wetland delineation be completed and submitted to the department for review. Delineation reports must be approved by the department to be valid for permitting or to show avoidance. I did not find any other records in our database for this property, so we have not yet received a delineation report for this project. The determination may take the place of the WLUN for your application review process. Please condition approval accordingly – A delineation shall be submitted to DSL, and may need a permit.

**Sweet Home
Fire District:**

The Fire District has some concerns with access to this housing division. 23rd is narrow, not developed and would typically be accessed for Fire and EMS because of its location in relation to the proposed project. If something is typical, making an exception creates risk and inconsistency. In emergency services, we understand that on a map a firefighter looks at this small street and believes it is the shortest fastest route which can matter in a lifesaving event. Foothill Drive going from 60 feet in width to 50 feet creates another inconsistency that will be a transition: a driver in responding apparatus will deal with a road narrowing suddenly which makes no sense in any way that this would be acceptable by design. At every exit or entrance turning radius will be done by a 40-foot ladder truck that needs to make access on a narrow street into a narrow entrance the access points cause apparatus to slow or even jockey to make a turn. Parking will be an issue and fire lanes will need to be posted into flag lot type drives. This design is a concern but I'm sure there are resolutions for issues.

III. REVIEW AND DECISION CRITERIA

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

A. Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

- 1. The information required by this chapter has been provided. [SHMC 16.16.040(A)]**

Staff Findings: SHMC 16.16.025 provides a specific list of requirements for the application, and the applicant provided this information

The application complies with this criterion.

- 2. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable. [SHMC 16.16.040(B)]**
 - A. Size and shape. Lot and parcel size, width, shape and orientation shall be appropriate for the zone and location of the subdivision, as well as for the type of use contemplated. [SHMC 16.12.030(A)]**
 - B. No lot or parcel shall be dimensioned to contain a part of an existing or proposed street. [SHMC 16.12.030(B)]**
 - C. Residential lots and parcels shall be consistent with the residential lot size and width standards of Sweet Home Municipal Code Title 17. [SHMC 16.12.030(C)]**

YARD SETBACKS AND LOT SIZE AND WIDTH.

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

- 1. The front yard shall be a minimum of 20 feet. [SHMC 17.24.050(A)]**
- 2. 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. [SHMC 17.24.050(B)]**

3. **The street side yard shall be a minimum of 15 feet.** [SHMC 17.24.050(C)]
4. **The rear yard shall be a minimum of 15 feet.** [SHMC 17.24.050(D)]
5. **On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.** [SHMC 17.24.050(E)]
6. **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.** [SHMC 17.24.050(F)]

Except as provided in § 17.08.050, the minimum lot size and width in a R-1 zone shall be as follows:

1. **The minimum lot area shall be 8,000 square feet; and** [SHMC 17.24.040(A)]
2. **The minimum lot width at the front building line shall be 80 feet.** [SHMC 17.24.040(B)]

- D. Lot depth shall not exceed two and one-half times the average width.** [SHMC 16.12.030(D)]

Staff Findings: Based on a review of the applicant's site plans (Attachment B), and the applicant's Residential Subdivision Application (attachment C), lot depth would not exceed two and one-half times the average width. There is a portion of each lot where the front building line would be at least 80 feet in width for an interior lot and 70 feet in width for a corner lot. No lot would be dimensioned to contain part of an existing or proposed street.

Based on the above findings, the application complies with these criteria.

- E. Frontage. Each lot or parcel, except those abutting private streets, shall abut upon a publicly owned street, other than an alley, for a width of at least 25 feet.** [SHMC 16.12.030(E)]

Staff Findings: Based on a review of the applicant's site plans (Attachment B), the proposed Lots would have 25 feet of frontage along Foothills Drive. Every lot shall abut a street, other than an alley, for a width of at least 25 feet [SHMC 17.08.010(C)].

Based on staff's findings above, the application does not comply with this criterion.

- F. Access easements. Where no other practical access to lots or parcels exists, the Planning Commission may allow an access easements for actual access to lots or parcels.** [SHMC 16.12.030(F)]

1. **Joint use driveways.** [SHMC 17.08.100(C)(6)]
 - a. **Joint use driveways are permitted.**
 - b. **A joint use driveway shall comply with International Fire Codes**
 - c. **A joint use driveway that serves four or more lots or parcels shall be developed to the standards of a local street.**
 - d. **Where the city approves a joint use driveway, the property owners shall record an easement with the deed allowing joint use of and cross access between adjacent properties. The owners of the properties agreeing to joint use of the driveway shall record a joint maintenance agreement with the deed, defining maintenance responsibilities of property owners. The applicant shall provide a fully executed copy of the agreement to the city for its records, but the city is not responsible for maintaining the driveway or resolving any dispute between property owners.**

Staff Findings: Per the staff engineer's comment in Section II, the City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B (attachment B). The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25. It has access from Ames Creek road, so that only a waterline would be connected through the lots.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The City has placed 250 feet of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. The city has done this work for our own distribution system needs; the developer would have had to do this otherwise. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.

Because of the limited width of 23rd Ave, and the potential awkward connection to the adjacent drainage channel, if it was done in the roadway, the outlet from the detention basin is shown to connect to that channel on the property of Lot 1 (751 23rd Avenue) An easement will be necessary on that property if there is not one currently available.

The tentative plan does not show how the development will accommodate runoff from the south hillside. There will need to be an easement, channel, area catch basins or some combination of those along the south line of the properties. That stormwater collection will then be another pipeline in the shared driveway easement down the driveway to Foothills Drive. The southern properties are about 12 feet to 15feet above the central flat portion of the development.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding Street. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street. The city is currently looking to overlay both streets, so by the time this proposed subdivision starts construction, there may already be good pavement in portions of 23rd Ave and Harding Street.

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

The applicant has not proposed a joint use driveway.

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

G. Through lots should be avoided except where they are essential to provide separation of residential development from non-residential activities, arterial streets, or to overcome a specific disadvantages of topography and orientation. [SHMC 16.12.030(G)]

- 1. A planting screen easement of at least ten feet in width and across which there shall be no right of access may be required along the lines of lots or parcels abutting a collector or arterial street or other incompatible uses.**
- 2. Lots shall be served from only one side via a local street.**
- 3. A through lot shall have the yard abutting a street that has no access to the back yard and shall utilize setbacks for a back yard as per the underlying zone standards.**

Staff Findings: The applicant has not proposed any through lots.

The application complies with these criteria.

- H. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face. [SHMC 16.12.030(H)]**
- 1. Topographical conditions or street configurations may warrant an angle.**
 - 2. Generally, any angle should not exceed 30° from a right angle to the street.**

Staff Findings: As depicted on Attachment B, the proposed parcels would have side lines that are at, or very close, to right angles to Foothills Drive.

The application complies with these criteria.

- I. Flag Lots. Flag lots should be avoided if local street connection can reasonably be included in lieu of the flag lot configuration. The thin strip of land, known as the flag pole, which provides access to the lot(s) furthest from the street shall not be used in determining lot size, lot width or yard setback requirements. [SHMC 16.12.030(I)]**

Staff Findings: The applicant is not proposing any flag lots.

The application complies with these criteria.

- J. If special setbacks are to be established in a subdivision or partition through the variance process, they shall be shown on the tentative plan and final plat and included in the deed restrictions. [SHMC 16.12.030(J)]**

Staff Findings: The applicant has not proposed any special setbacks. Staff finds that the configuration of the proposed subdivision lots meets these criteria

The application complies with these criteria.

- 3. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code. [SHMC 16.16.040(C)]**

Staff Findings: The applicant is proposing to create 26 residential lots, 1 open space tract, an extension of Foothills Drive and associated utilities. As reviewed in this staff report, the lots would meet the minimum lot size of the zone and would be configured so that they could accommodate a residential dwelling. Staff finds that the applicant does not own any other property adjacent to the site.

The application complies with this criterion.

- 4. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes. [SHMC 16.16.040(D)]**

Staff Findings: Staff has not identified any features of this proposed subdivision that would inhibit development on adjoining property.

The application complies with this criterion.

- 5. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title. [SHMC 16.16.040(E)]**

Staff Findings: Per the staff engineer's comments in Section II above, The Transportation System Plan (TSP) roadway dimensions require a minimum 3-foot planter strip for Local Streets which the narrative and plan do not show. Foothills Drive is wide enough for planter strips to be constructed and are required. The proposal shows a 50-foot right-of-way, which provides adequate width for 5 foot sidewalk, 4ft planter, and 30ft curb to curb widths which provides the minimum 7ft parking and travel lanes, etc.

The Fire & Ambulance District is requiring that the Northeast corner of Foothills Drive and 23rd Ave be a rounded corner with a 20ft radius, to facilitate turning of large vehicles. The properties on the south boundary accessed by easement do not indicate if the front residences will or will not connect to that shared driveway. If they do, then each driveway will have four residences, lessening the number of driveway aprons to Foothills Drive itself. However, it may create some issues with emergency services and access to those residences.

The intersection of Foothills Drive and 23rd Avenue will require a street name sign and post installed. A stop sign will not be necessary, not every local street intersection needs a stop control condition. State of Oregon traffic rules provide guidance to drivers on the general right-of-way use at Tee and Cross intersections.

The plan indicates a curb and sidewalk along the east side of 23rd Avenue. That would be a "half street" which is really a "3/4 street" on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. There will need to be curb on that side too because residents will travel to and from the subdivision in both directions on 23rd Ave. Because of the very poor condition of 23rd Avenue, and it being the most direct path westward to the community, the improvements on 23rd Avenue need to extend to Harding St. The City may be able to partner with the developer to improve the street network at 23rd Ave and Harding Street.

Relevant to street standards 27th avenue is a 40 foot right-of way, 28th Avenue is a 50 foot right-of-way, 29th Avenue is a 60 foot right-of-way, Mountain View is a 40 foot right-of-way, and Harding Street is a 40 foot right-of-way.

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

6. The location and design allows development to be conveniently served by public utilities. [SHMC 16.16.040(F)]

Staff Findings: Per the staff engineer's comments in Section II above, the City of Sweet Home wants to have provision for a waterline easement in the common driveway are serving Lots 24 and 25 on Lots 10 and 11. The easement would be the same size as the proposed shared utility and access easements as noted on the Plan Option B. The easement would run from the south ROW line of Foothills Drive to the south line of Lots 24 and 25. The City is looking forward 15-20 years to a need for an additional water reservoir in the area, with the adjacent property to the south at the right elevation and location. It has access from Ames Creek road, so that only a waterline would be connected through the lots. We would likely place a conduit in the ground at the time of construction to feed the future waterline through, without the need for excavation at that future time.

This development will need to link the proposed water system on Foothills Drive to Harding Street. 23rd Avenue had a very small waterline that was inadequate to connect to. The city has placed 250 foot of 6" waterline in 23rd Avenue from the Harding Street 6" waterline southward to a few feet from the drainage channel culvert. This proposed subdivision shall connect at the new end point now, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover

The indicated proposed mainline sewer systems appears to be able to provide each lot with service. For the properties on the south boundary that appear to be sharing the driveway accesses, each lot will have its own sewer lateral line.

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

7. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law. [SHMC 16.16.040(G)]

Staff Findings: Staff has not identified any special features of the site.

The application complies with this criterion.

8. **If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.** [SHMC 16.16.040(H)]

Staff Findings: The applicant is not proposing to develop this property in phases.

The application complies with this criterion.

9. **An application for residential development can be denied based on a lack of school capacity if:** [SHMC 16.16.040(I)]
 - a. **The city has been informed by the Sweet Home School District that their adopted school facility plan has identified the lack of school capacity; and** [SHMC 16.16.040(I)(1)]
 - b. **The city has considered option to address school capacity; and** [SHMC 16.16.040(I)(2)]
 - c. **The capacity of a school facility is not the basis for a development moratorium under O.R.S. 197.505 to 197.540.** [SHMC 16.16.040(I)(3)]
 - d. **This section does not confer any power to the school district to declare a building moratorium.** [SHMC 16.16.040(I)(4)]

Staff Findings: The City has not been informed by the Sweet Home School District that their adopted school facility plan has identified a lack of school capacity. Staff does not recommend that this application be denied based on a lack of school capacity.

The application complies with this criterion.

B. Conditions of Approval.

1. **The approving authority may attach conditions of approval of a tentative subdivision or partition plan to ensure that the proposal will conform to the applicable review criteria.** [SHMC 16.16.050(A)]
2. **Conditions of approval may include, but are not limited to, the following:** [SHMC 16.16.050(B)]
 - a. **Street improvements as required to assure that transportation facilities are adequate for the proposed development, both on and off of the subject property.**
 - b. **Storm water drainage plans**
 - c. **Fencing.**
 - d. **Landscaping.**
 - e. **Public land dedication.** [SHMC 16.16.050(B)(1 through 5)]

Staff Findings: The applicant is requesting to subdivide an approximately 6.50-acre property into 26 lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. The proposed subdivision is in the Residential Low Density (R-1) Zone.

To ensure compliance staff recommends a condition of approval that upon development of the proposed parcels, the property owner shall construct all applicable street, sidewalk and storm drain improvements that are required by, and according to the provisions of the Sweet Home Municipal Code at the time of development. All public improvements must comply with the standards listed in the SHMC at the time of development.

Staff has recommended conditions of approval, listed in Section IV below, that act to ensure that the final subdivision plat comply with the application that has been proposed. Additional conditions of approval may be required if any of the subject parcels are further divided under a future application or if they are physically developed with a residence.

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

C. Duration of Tentative Plan Approval. [SHMC 16.16.070]

1. **Approval of a tentative plan shall be valid for 12 months from the date of approval of the tentative plan, provided that if the approved tentative plan provides for phased development, the approval shall be valid for the time specified for each phase, subject to the limitations of § 16.16.060 of this chapter.** [SHMC 16.16.070(A)]
2. **If any time limitation is exceeded, approval of the tentative subdivision plan, or of any un-platted phase of the tentative subdivision plan shall be void. Any subsequent proposal by the applicant for division of the property shall require a new application.** [SHMC 16.16.070(B)]

Staff Findings: This approval shall be valid for 12 months. The applicant has proposed a phased development. Staff recommends that a time for each phase be specified. Extensions shall be permitted as allowed under SHMC 16.16.080.

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

D. Final Subdivision Plat. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O.R.S. Chapter 92. [SHMC 16.20.010(B)(1)]

Staff Findings: Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.

IV. CONCLUSION AND RECOMMENDATION

Based on the findings discussed in Section III above, [staff recommends that this application be approved](#). The application shall be subject to compliance with the conditions listed below, as required by the findings of fact presented in the Review Criteria (Section III), above. Any modifications to the conditions listed below would require approval in accordance with provisions of law (e.g., variance, subsequent land use application, etc.).

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

Recommended Conditions If the Application is Approved:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application. See Attachment B. The final configuration is to subdivide an approximately 6.50-acre property into twenty-six lots ranging from approximately 8,226 to approximately 9,950 square feet. The proposed subdivision's average lot size is approximately 8,932 square feet. Approximately 8,226 square feet shall be reserved for a storm water detention area. Approximately 4,373 square feet shall be dedicated as public right-of-way for an extension of Foothills Drive to serve the proposed subdivision.

2. The applicant shall provide a waterline easement through Lots 10, 11, 24 and 25 in the common driveway that serves Lots 24 and 25. The easement would be the same size as the proposed shared utility and access easements as noted on the attached site plan (Attachment B). The easement would run from the south right-of-way line of Foothills Drive to the south line of Lots 24 and 25.
3. The applicant shall link the proposed water system on Foothills Drive to Harding Street. The proposed subdivision shall connect to the new 6 inch waterline end point, with a crossing under the channel. The channel culvert currently has only 6"-8" of cover.
4. The applicant shall install a street name sign at the intersection of Foothills Drive and 23rd Avenue.
5. The stormwater basin shall remain under private ownership and not be transferred to the City of Sweet Home. The maintenance of private stormwater basins is up to the local residences with or without a HOA.
6. The applicant shall provide an easement on adjacent Lot 1 (751 23rd Avenue) to provide a connection to the storm water detention area.
7. The applicant shall provide stormwater collection easement along Lots 18-25 to accommodate the run-off from the south hillside. The storm water collection will be through the utility easements to Foothills Drive.
8. On 23rd Avenue, the applicant shall develop "half street" improvements," on the ground, comprised of sidewalk, curb and drainage, pavement to the centerline and the opposite lane. The improvements on 23rd Avenue need to extend to Harding Street.
9. The applicant shall provide each lot with its own sewer lateral line.
10. Within one year from date of the approval of the tentative plan, the applicant shall prepare a final plat in conformance with the approved tentative plan, the provisions of this title and the provisions of O. R. S. Chapter 92. The applicant shall submit a final subdivision plat for approval by the City according to the procedures and requirements of SHMC 16.20. The applicant shall provide all information required by SHMC 16.20.
11. Improvements within the subdivision shall be installed at the expense of the subdivider as required by SHMC 16.24.050. Improvements shall be made under the procedures and specifications listed in SHMC Chapter 16.24.
12. The applicant shall obtain all applicable development permits which include, but are not limited to: Public Works permits, development permits including building permits, and erosion control permits. The applicant shall obtain a 1200-C Stormwater Permit from the Oregon Department of Environmental Quality and any Department of State Lands permits as applicable.

V. PLANNING COMMISSION ACTION

In taking action on a subdivision, the Planning Commission will hold a public hearing at which it may either approve or deny the application. The decision on the application must be based on the applicable review and decision criteria. If approved, the Planning Commission may impose conditions of approval. Staff's recommended conditions are included in Section IV.

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

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

Motion:

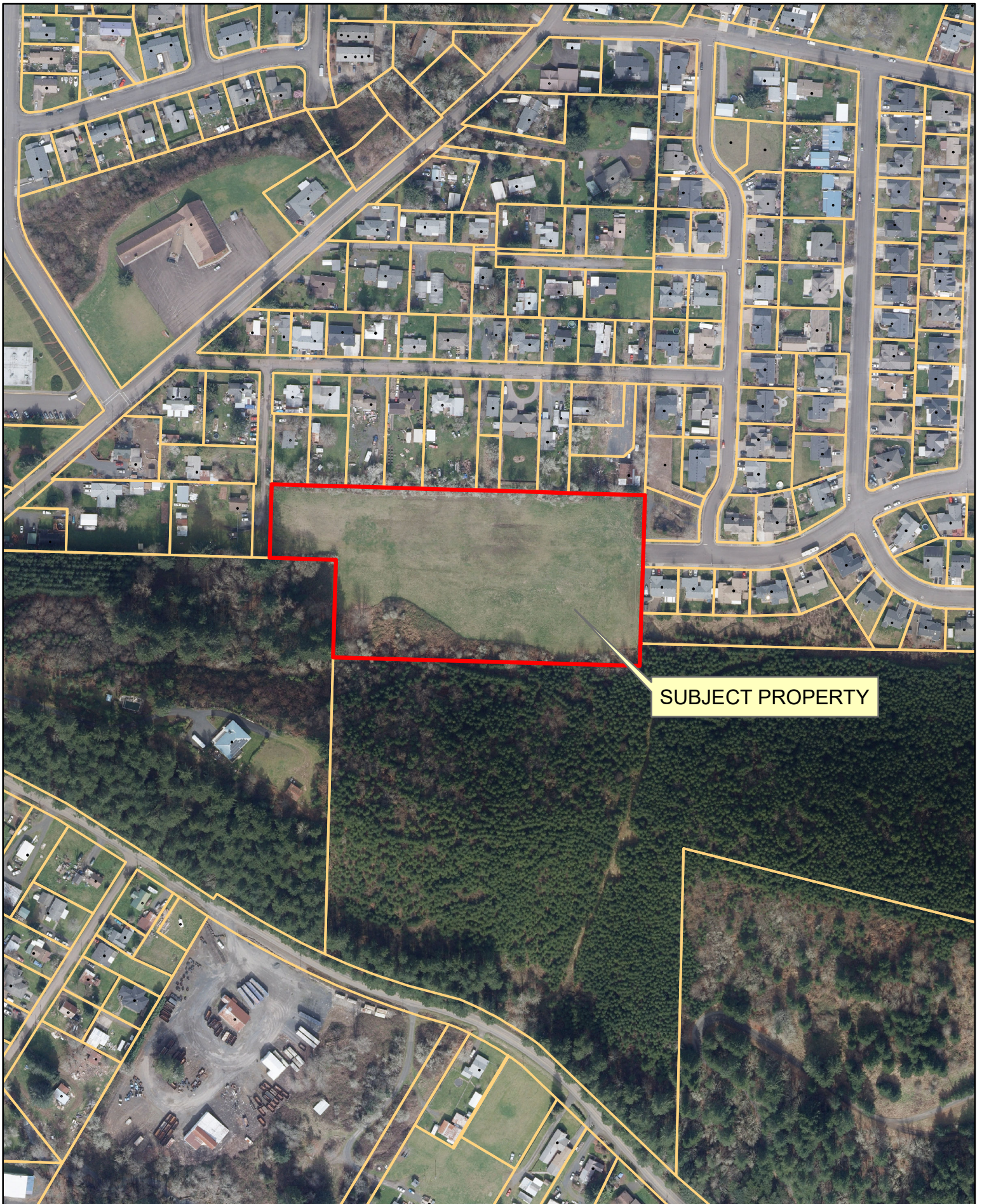
After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application SD21-01; including the conditions of approval listed in Section IV of the Staff Report; adopting the findings of fact listed in Section III of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny application SD21-01; including adopting findings (specify), the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

V. ATTACHMENTS

- A. Aerial Photograph of the Subject Property
- B. Tentative Subdivision Maps
- C. Public Comments
- D. Application and Supporting Documentation Provided by the Applicant

The full record is available for review in the Community and Economic Development Department office during normal business hours. The office is located at 3225 Main Street, Sweet Home, OR 97386.

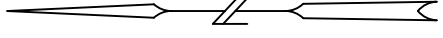


1 inch = 271 feet

Subject Property Map
SD21-01

Date: 03/31/21

CS _____

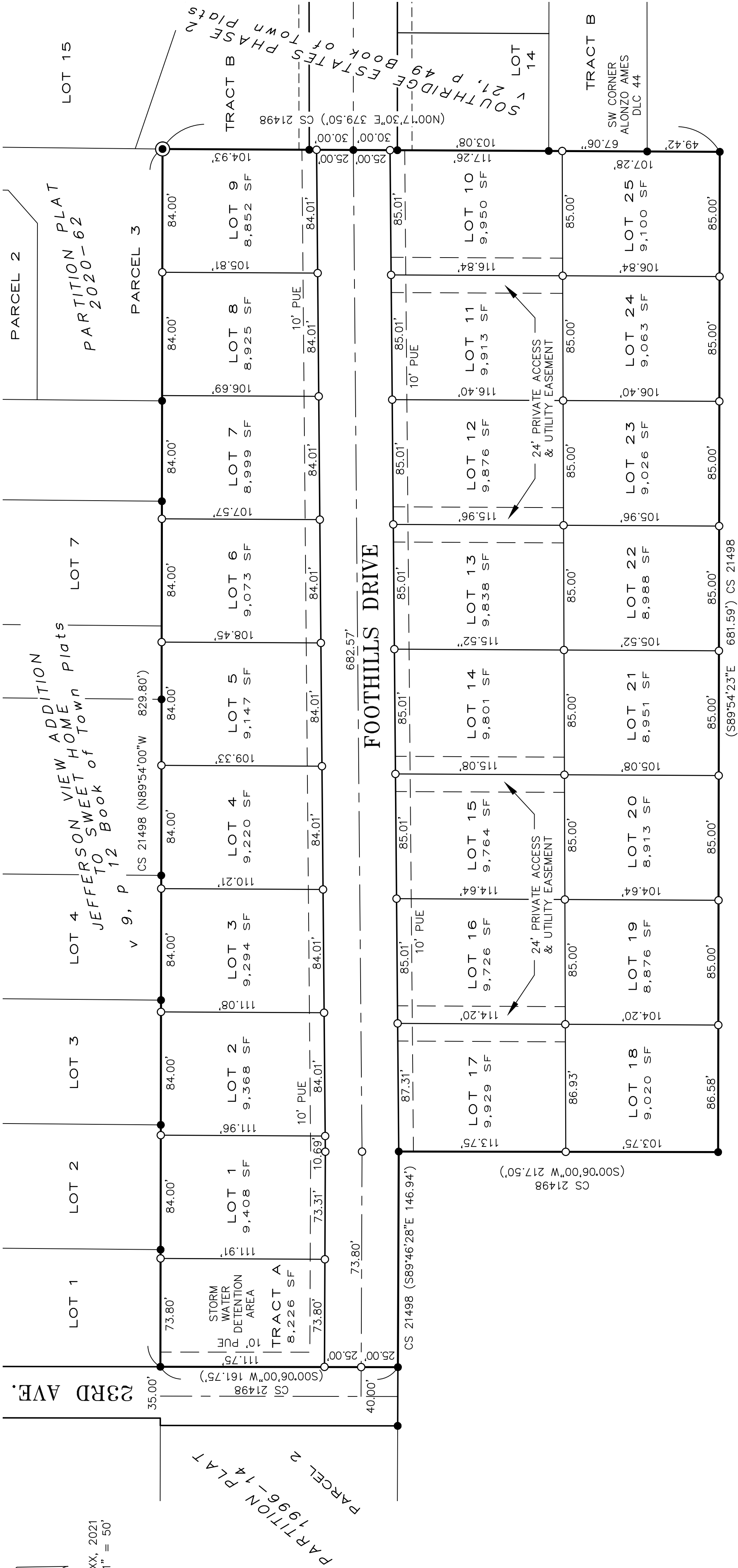


MARCH XX, 2021
SCALE: 1" = 50'

FOOTHILLS RIDGE SUBDIVISION

A Re-Plat of Parcel 2, of Partition 1996-14 to Sweet Home Oregon
NE 1/4-SW 1/4 Section 32, Township 13 South, Range 1 East, Willamette Meridian
Sweet Home, Linn County, Oregon

Property Owners: Saz Yakes



OPTION "B"

SURVEYS USED:

- CS 02390 JEFFERSON VIEW ADDITION BOTP V.9, P.12
- CS 21498 PARTITION PLAT NO. 1996-14
- CS 23209 SOUTHRIDGE ESTATES PHASE 1 BOTP V.21, P.07
- CS 23915 SOUTHRIDGE ESTATES PHASE 2 BOTP V.21, P.49
- CS 26828 PARTITION PLAT NO. 2020-25

INSTRUMENT USED:

- TOPCON GT 500.
- 3" ROBOTIC TOTAL STATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 13, 2004
CORBEY BOATWRIGHT
41562

EXPIRES: DEC. 31, 2021

Prepared by:
Bootwright Engineering, Inc.
2613 12th Street SE
Salem, Oregon 97302
(503) 363-9225

I HEREBY CERTIFY THAT THIS IS A TRUE
AND EXACT COPY OF THE ORIGINAL
PARTITION PLAT.

CORBEY BOATWRIGHT, PLS 41562

TO: Sweet Home Planning Commission

FROM: Pamela Heberle
730 27th Avenue
Sweet Home, OR 97386

RE: File # SD21-01
Foothills Ridge Subdivision

My concerns about this project are as follows:

Extra traffic that these houses will generate. Will there be an egress on 23rd or will it only be at 27th and Foothills Drive? If there is an egress on 23rd will the street be improved and widened to accommodate the extra traffic. That also brings up the condition of Harding St. Will it be improved also to accommodate the extra traffic?

Why so many houses? One whole row of those will not have direct access to the street. They must pass by the house in front to reach their house/driveway. Where will available parking be for those houses in the back. There is only so much room on the street. It is beginning to look like California cramming houses one on top of the other.

How will emergency vehicles get to those houses in the back? Will there be enough room to get there and turn around? Will they be able to get to the house using 23rd or will they have to come around to enter at 27th and Foothills?

With the extra houses you will get more families with children. Since there will be houses on top of each other where will the children play since there will be little yards. They would have no place to go but the street. As you know kids do not pay attention to traffic.

Respectfully

A handwritten signature in dark ink, appearing to read 'Pamela J Heberle', with a long horizontal flourish extending to the right.

Pamela J Heberle

April 20, 2021

To Community and Economic Development Department office at City Hall in Sweet Home, Oregon,

In July 2004 I purchased my home on the south side of Harding Street in Sweet Home. At that time, I was told by Sweet Home City Hall that the 6+ acre lot adjoining the rear of my property was designated part of a wetland and would never be built on. Since then I have heard from "Old Timers" in town that it was nicknamed "The Swamp."

Approximately three years after my purchase a new subdivision was built on a wetland ¹ "Uphill" from my property. Ever since the back portion of my property floods to levels above my ankles, along with many of my neighbors whose properties also abut the 6+ acre lot proposed for the building of the Foothills Ridge Subdivision. Several times since that construction flooding has reached my house and at least one neighbor has had to use a sump pump to minimize flooding.

There is a "Wetland Drainage Ditch" on the back portion of the south side properties on Harding Street ², which is meant to drain the wetland where the above-mentioned subdivision was built. During the wet season along my 84-foot back section of land there are often 3 tributaries running into this "Wetland Drainage Ditch" which come directly from the 6+ acre lot, and this is now a proposed building site for 25 houses.

I have often walked the 6+ acre lot in the winter months and have found that the standing water goes above my rubber boots. As can be seen in the accompanying map, the soils in this entire area are a variety of Silty Clay Loams and drainage is minimal and slow. On my property I know from experience that the clay layer is approximately 1 foot below the surface.

In October 2017 I had a well dug in my backyard and it was determined that at 140 – 160 feet there are 0.4ppm of arsenic. My well was only safe at approximately 40 feet. I am concerned that increasing the flooding potential and soil compaction with houses and roads could raise the level of the arsenic to the surface.

I believe that building 25 houses on the 6+ acres will increase the flooding on my property. I understand that there are plans for a Water Detention Area but I am certain this will only become a breeding ground for mosquitos, a neighborhood garbage depository, and not have the capacity to handle the large volumes of water sustained in the area for many months every year.

By building houses in that area there will also be damage to the flora and fauna of the area. I have seen many deer with their young, rabbits, and even a fox with young in that field.

In summary, building 25 houses on 6+ acres which used to be designated a wetland will destroy wildlife habitat, increase flooding of many long-time existing homes thus decreasing property values, which in turn will change the character of the neighborhood in a negative manner.

I strongly urge denying the Foothills Ridge Subdivision to be built! If this is to go forward there is a serious need for intensive planning and mitigation!

Sincerely,



Gail Heine

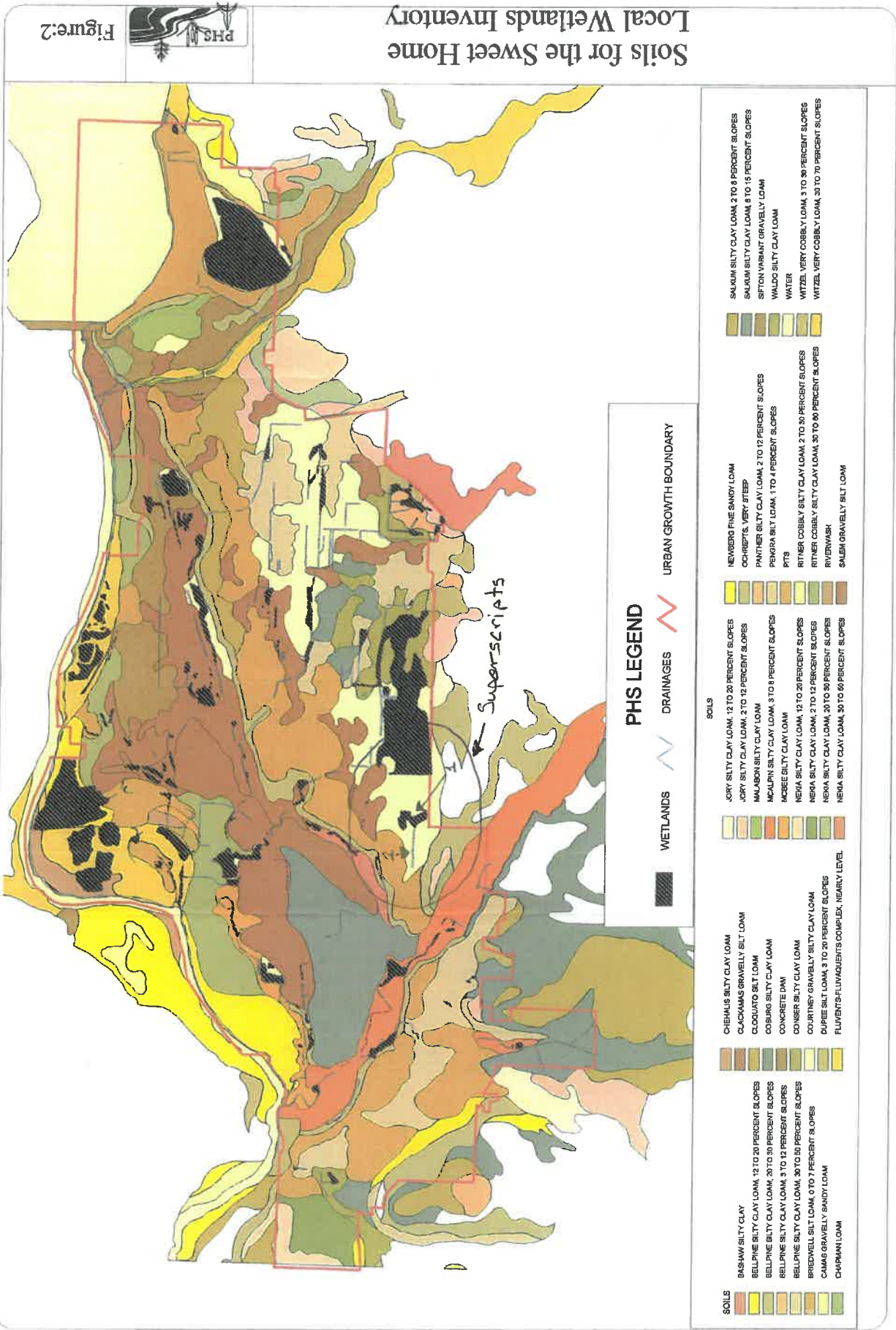


Figure:2



From:
 City of Sweet Home Local Wetlands Inventory, page 18
 Prepared by: Pacific Habitat Services Inc.
 on June 30, 2000

To: City of Sweet Home Planning Commission

From: Chris and Kuuipo Johnson

759 27th Ave

Sweet Home, OR 97386

(541) 619-7040

Proposed Foothills Ridge Subdivision

We would like to express our concerns and opposition in the purposed plans as they stand for the Foothill Ridge Subdivision. There are several concerns, but we would like to focus on three areas: Fire and Life Safety, traffic, and community continuity.

The first issue is with fire and life safety; it is very difficult for an ambulance, let alone a fire engine or truck, to gain access to this new development. The quickest response time for the fire Department is to come down Harding St and turn right onto 23rd Ave or 27th Ave. These roads are extremely narrow and when vehicles are parked on the side of the street, emergency apparatus will be unable to make the turn, thereby slowing their response into the development. I live at the intersection of 27th and Harding St and after 6:00 PM it is nearly impossible for a large vehicle to turn onto 27th Ave. The other issue with this development is the three easements that are only 14 feet wide, which means fire apparatus will have to be parked on Foothills Drive and crews will have to carry their hose lines and equipment down the easement to get to the houses in the back, further delaying their response to a potential rescue or fire suppression.

Our second concern has to do with traffic. With 25 more homes going into this development, traffic is going to increase on the two quickest routes in which would be 23rd Ave and some of the company. As I mentioned before, these two roads and Harding St are difficult to pass vehicles without stopping to let others by. With the increase in traffic on narrow roads, the likelihood for property damage or a child being hit because of poor visibility is a real threat.

Our final concern has to do with community continuity. This development looks nothing like the current Ashwood phase one and two developments and there are no other developments in the area that look like this. Developments with these kinds of easements do not provide nice curb appeal which in turn diminishes the value of the homes in the area.

We are not opposed to the development of this land, but we are not in favor of the current plans. We thank you for your time and consideration in this matter.

Foothills Ridge Subdivision

We have concerns with the proposed lot density of the approx. 6.5 acre tract for this subdivision. Access to the southernmost lots via easements through north properties would limit the response times of first responders and emergency vehicles. Heaven forbid if there ever was a wild fire on the hillside this would have devastating results. Narrowing Foothills Drive from 60 feet to 50 feet along with all the vehicles owned by home owners as well as vehicles parked along the curb would cause further congestion. Access to this area is also limited by more narrow streets than Foothills Drive.

Housing subdivisions are meant for families, This includes children riding bikes, Skateboards and walking to and from school with added traffic and speeders that come along with that makes this is a very dangerous situation.

We pay some of the highest taxes in the state to live in a quiet rural area like this. We also realize that expansion is good however lets not let the developer of this property be too greedy.

Scott & Colleen Simonson

737 27th Ave.

Sweet Home, Oregon 97386

541-818-8933

To: City of Sweet Home Planning Commission

From: Ron and Linda Walker
2631 Foothills Drive
Sweet Home, OR 97386
Best contact phone: (707)350-3430

Re: SD21-01
Proposed Foothills Ridge Subdivision

CONCERNS:

- 1) Access: Primary Foothills Drive. Currently has 24 homes on its entire length. The proposed development includes the addition of 25 homes which will have to utilize Foothills Drive. At some point a past Planning Commission deemed a 60' width as appropriate. I understand why a 50' street is now acceptable, however, what precludes that conditions may change again and a 60' width again becomes appropriate?
- 2) Egress: 23rd Avenue. Insufficient width for adequate egress with increased traffic created by this development. Additionally, insufficient for sizable vehicles such as fire apparatus, garbage truck, delivery trucks and the like.
- 3) Easements: Interior access to the 8 southernmost lots #18 thru 25 is grossly inadequate and are merely glorified alleyways. *(Please refer to attached photos)* Nowhere in Municipal Code 16.12.035 pertaining to easements is there any description remotely similar to this proposal. Major problems with this proposal: a) Emergency vehicle access and large vehicle access is severely impacted. b) 12' "easement" from each of the front lots creates potential problems with parking of additional vehicles and civil issues between neighbors. The easement reduces the front lots by approximately 14% or 1385 square feet leaving a 73' front line facing Foothills. If section 17.24.040 section B is applied then the front line would face the easement as opposed to Foothills??
- 4) Drainage: This area, and existing adjacent subdivisions have problems with water. Many of the homes in Ashbrook Phase 1 and 2 have sump pumps under their homes and standing water in their yards during rainy season, and the East end of Foothills Drive has a literal stream flowing down the gutters from Hobart Reserve. The "easements" for approximately 1/3 of this proposed development have no provision to get storm water to the proposed Storm Water Detention area of the development because there are no curbs and gutters in the "easements" to get it there! Where is it going to go?
- 5) Population: The addition of 25 homes creates many additional concerns in regards to more people, more kids, more speeding cars, and more traffic. Having a reduction in access, egress, and street size doesn't seem like the right solution. Most of us in the immediate area feel strongly that there are too many proposed parcels and would appreciate a scenario that would be more palatable. Ashbrook Phase 1 and 2 remains one of the nicer neighborhoods in town and its owners enjoy the current ambiance which will be severely impacted.

SUMMARY: I am in favor of expansion and development of our city if done properly for the betterment of the city and its property owners. I feel this proposal needs more thought put into it especially the "easement" situation and compatibility with existing developed subdivisions such as Ashbrook. It would be nice if the developer and commission would reduce this proposal by 2 to 4 lots (or whatever amount

in needed) and create side streets with curb, gutter, sidewalk and adequate drainage such as Jefferson Street west of 27th Avenue. Most likely this would alleviate the concerns of most neighbors.

In short: Just because 25 parcels fit doesn't mean it is functional or the right thing to do. We must be cautious about how we set precedent. I feel that this development isn't consistent with the vision the citizens and City of Sweet Home are trying to create for our future. We can do better!

In advance, I thank you for your consideration of my concerns and those of my neighbors.

R. Walke 04-21-2021









City of Sweet Home

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

Application for a Land Division

Date Received: _____

Date Complete: _____

File Number: _____

Subdivision/Replat Application Fee : _____

Partition Application Fee : _____

Receipt #: _____

Subdivision/Replat Hearing Date: _____

Applicant's Name:

Savely Kalugin

Applicant's Address:

PO Box 393 Gervais OR 97026

Applicant's Phone and e-mail:

503.899.3243 lmscustomhomesllc@gmail.com

Subject Property Address:

None Assigned Located east of 23rd Street and west of west terminus of Foothills Drive

Subject Property Assessor's Map and Tax Lot:

13S01E32CA04403

Subject Property Size:

6.50 Acres

Subject Property: Zoning Classification

R1

Comprehensive Plan Classification:

Low Density Residential

Application Submittal Requirements

- ☒ 1. For a subdivision or subdivision replat, ten full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☐ 2. For a partition or partition replat, three full size copies and one 8½" by 11" copy of a plan shall be submitted with details as per the submittal checklist.
- ☒ 3. The tentative plan need not be a finished drawing, but it shall show all pertinent information to scale.
- ☐ 4. Where the land to be subdivided contains only part of the tract owned or controlled by the subdivider, a sketch is required of a tentative layout for streets and utilities in the unsubdivided portion indicating connections to existing or future improvements.

Additional Submittal Requirements

The submittal checklist is a part of this application. It lists the required items that must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

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

Applicant's Signature: _____

Date: 3/26/2021

Property Owner's Signature: _____

Saz Yakis

Date: 3/26/2021

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 16.16.025 APPLICATION REQUIREMENTS

The following information shall be submitted upon application for a land division.

- ☒ 1. All existing subdivisions, streets and property lines of the land immediately adjoining the proposed subdivision.
- ☒ 2. All existing streets between the subject property and the nearest existing arterial or collector streets.
- ☒ 3. The name of the owners of all land immediately adjoining the proposed subdivision.
- ☒ 4. How streets and alleys in the proposed subdivision may connect with existing or proposed streets and alleys in neighborhood.
- ☒ 5. The name, if any, of the land division. The subdivision name must not duplicate or resemble the name of another subdivision in Linn County and shall be subject to approval by the Linn County Surveyor. Pre-approval of the subdivision name by Linn County Surveyor's Office is recommended.
- ☒ 6. Date of the original submittal and of any subsequent revisions.
- ☒ 7. North arrow.
- ☒ 8. Scale of drawing.
- ☒ 9. Names and addresses of owner or owners, subdivider, surveyor, and design engineer if applicable.
- ☒ 10. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract of railroad right-of-way, city boundaries, and other important features.
- ☒ 11. The location on the site and in the adjoining streets or property for the following existing and proposed items:
 - ☒ a. Sewers and water mains and private services.
 - ☒ b. Invert elevations of sewers at points of proposed connections or adjacent manholes must also be shown.
 - ☒ c. Culverts.
 - ☒ d. Ditches and drain pipes.
 - ☒ e. Electric, gas and telephone conduits.
- ☒ 12. Contour lines having the following minimum intervals:
 - ☒ a. One foot contour intervals for ground slopes less than 5%.
 - ☐ b. Two foot contour intervals for ground slopes between 5% and 10%.
 - ☐ c. Five foot contour levels for ground slopes exceeding 10%.
 - ☒ d. The elevations of all control points which are used to determine the contours.
- ☐ 13. Geo-tech reports as needed.
- ☐ 14. Location and elevation of properties within the 100-year flood plain and other areas subject to flooding or ponding and areas subject to inundation from storm water overflow with approximate high water elevation.
- ☐ 15. Location, width, direction and rate of flow at peak discharge of all water ways.
- ☐ 16. Location of any wetlands identified on the City of Sweet Home Local Wetlands Inventory, locally known, or identified by some other means.
- ☐ 17. Location of any required riparian zone identified by Sweet Home Municipal Code Chapter 17.72.
- ☐ 18. Properties in the natural resource zone, must show natural features, such as rock outcroppings, wooded areas and preservable trees over 12 inches in diameter measured at 4½ feet from the ground.
- ☒ 19. Existing uses of the property and adjacent property within 100 feet including location of all existing structures to remain on the property.
- ☒ 20. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.
 - ☐ a. The City of Sweet Home historic sites listing and the State Historic Preservation Office shall be consulted if a historic site is identified.
 - ☐ b. Sweet Home Municipal Code Title 15 rules for historic structures must be addressed.
- ☒ 21. Zoning on and adjacent to the subject property.

- ☒ 22. For all proposed streets, the following information must be shown:

- | | | |
|---|--|---|
| ☒ a. Location | ☐ e. Beauty strip | ☒ i. Fire hydrants |
| ☒ b. Right-of-way width | ☒ f. Proposed name | ☒ j. Street lights |
| ☒ c. Curb to curb width | ☒ g. Grade | ☐ k. Stop signs |
| ☒ d. Sidewalks | ☒ h. Approximate radii or curves | ☐ l. Location of post office boxes |

- ☒ 23. The tentative plan shall be drawn to a standard engineer's scale where 1 inch equals 20 feet to 100 feet.
- ☐ 24. Proposed signage.
- ☐ 25. Proposed perimeter fencing.
- ☒ 26. The relationship of all proposed streets to any existing or approved streets and proposed future streets in the transportation system plan.
- ☒ 27. Existing and proposed easements on the site, including the width and the purpose of the easements.
- ☒ 28. Existing easements on adjoining properties, including the width and purpose of the easements.
- ☒ 29. Information on the proposed lots must include the following:

☒ a. The location of each lot.
☒ b. The dimensions and square footage of each lot
☒ c. Lot, block, tract, or parcel numbers.

- ☒ 30. Proposed uses for each lot.
- ☒ 31. Land to be deeded or dedicated for public purposes.
- ☒ 32. Statement indicating whether the property has an existing water right or permit. If so, the Certificate or permit number must be listed.
- ☐ 33. ODOT Rail approval for any proposed crossing or development within 300' of the railroad right-of-way.
- ☒ 34. The following additional information must be submitted with the tentative plan:

☒	a. Total acreage of the parcel to be subdivided.	
☒	b. The percent of land dedicated to the public, not including easements.	
☒	c. All public improvements proposed to be installed, including:	
	1) The approximate timing of installation	2) The method of financing
☐	d. Special improvements to be made by the developer and the approximate timing of such improvements are to be complete. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances	

- ☐ 35. Proposed services or other listed items may be on a separate map for clarity.

SHMC 16.16.040 LAND DIVISION REVIEW CRITERIA.

Approval of tentative plans will be granted if the city finds that the proposal substantially conforms to the applicable provisions of Sweet Home Municipal Code Titles 16 and 17 and the comprehensive plan. The following criteria apply:

- ☐ A. The information required by this chapter has been provided.
- ☐ B. The design and development standards of Sweet Home Municipal Code, Titles 16 and 17 and the comprehensive plan, have been met where applicable.
- ☐ C. Development of any remainder of the property under the same ownership can be accomplished in accordance with this code.
- ☐ D. Adjoining land can be developed or is provided access that will allow its development in accordance with all applicable city codes.
- ☐ E. The proposed street plan provides for the circulation of traffic and meets the street design standards of this title.

- ☐ F. The location and design allows development to be conveniently served by public utilities.
- ☐ G. Any special features of the site, including topography, floodplains, wetlands, vegetation, or historic sites, have been adequately considered, and protected if required by city, state or federal law.
- ☐ H. If the tentative plan provides for development in more than one phase, the Planning Commission must make findings and conclusions that such phasing is necessary due to the nature of the development.
- ☐ I. An application for residential development can be denied based on a lack of school capacity if: residentially zoned property.

**Application for a Land
Division**

SHMC 16.16.025 APPLICATION REQUIREMENTS

Additional Information is provided below for those items requiring clarification or more detailed explanation.

2. All existing streets between the subject property and the nearest existing arterial or collector streets.
Shown on EXHIBIT A, attached.
5. The name, if any, of the land division. The subdivision name must not duplicate or resemble the name of another subdivision in Linn County and shall be subject to approval by the Linn County Surveyor. Pre-approval of the subdivision name by Linn County Surveyor's Office is recommended.
EXHIBIT B- Request for name submitted to Linn County Surveyor's Office, attached.
10. The location, widths and names of all existing or platted streets or other public ways within or directly adjacent to the tract of railroad right-of-way, city boundaries, and other important features.
City Boundary shown on EXHIBIT A, attached.
11. The location on the site and in the adjoining streets or property for the following existing and proposed items:
 - e. Electric, gas and telephone conduits.
Electrical vault located on the south side of Foothills Drive, 2 lots east of applicant's property, at 27th Avenue. Expect gas and telephone to be in common trench with power. Applicant assumes those utilities have been extended to east edge of applicant's property. Power and telephone are overhead on 23rd Avenue with the last pole about 30' north of the applicant's property. Gas is shown on as-builts to be within about 60' of the applicant's property.
13. Geo-tech reports as needed.
A geo-tech report is not needed.
14. Location and elevation of properties within the 100-year flood plain and other areas subject to flooding or ponding and areas subject to inundation from storm water overflow with approximate high water elevation.
No part of the property is within a 100-yr flood plain.
15. Location, width, direction and rate of flow at peak discharge of all water ways.
No water ways are located within or adjacent to the property.
16. Location of any wetlands identified on the City of Sweet Home Local Wetlands Inventory, locally known, or identified by some other means.
No wetlands are identified on the applicant's property. Shown on EXHIBIT D, attached.
17. Location of any required riparian zone identified by Sweet Home Municipal Code Chapter 17.72.
No required riparian zone located on applicant's property. Shown on EXHIBIT D, attached.
18. Properties in the natural resource zone, must show natural features, such as rock outcroppings, wooded areas and preservable trees over 12 inches in diameter measured at 4½ feet from the ground.
Property is not in a natural resource zone. Shown on EXHIBIT E, attached.

20. Known structures, landmarks, sites and areas of cultural, historic or archaeological significance.
- The City of Sweet Home historic sites listing and the State Historic Preservation Office shall be consulted if a historic site is identified.
 - Sweet Home Municipal Code Title 15 rules for historic structures must be addressed.
Applicant does not know of any cultural, historic, or archaeological resources on site. No structures are on site.
21. Zoning on and adjacent to the subject property.
Zoning of subject property and all adjacent properties is R1. Shown on EXHIBIT E, attached.
22. For all proposed streets, the following information must be shown:
- Beauty strip
Not provided; sidewalks adjacent to curb.
 - Stop signs
Not provided. Sign at 23rd street intersection will be provided, if required.
 - Location of post office
Not determined at this time.
24. Proposed signage.
None proposed.
25. Proposed perimeter fencing.
None proposed.
30. Proposed uses for each lot.
Lots 1 through 25 are for single family residences. Tract A is for storm water detention.
31. Land to be deeded or dedicated for public purposes.
Tract A will be dedicated to the City of Sweet Home for storm water detention.
32. Statement indicating whether the property has an existing water right or permit. If so, the Certificate or permit number must be listed.
The property has no water right Certificates or permits. Shown on EXHIBIT C, attached.
33. ODOT Rail approval for any proposed crossing or development within 300' of the railroad right-of-way.
The property is not within 300 feet of a railroad right-of-way.
34. The following additional information must be submitted with the tentative plan:

6.49	a. Total acreage of the parcel to be subdivided.
2.9%	b. The percent of land dedicated to the public, not including easements.
c. All public improvements proposed to be installed, including:	All public street improvements and public utilities. <i>(Private utilities will also be installed.)</i>
1) The approximate timing of installation: 2021	2) The method of financing: Private financing
d. Special improvements to be made by the developer and the approximate timing of such improvements are to be complete. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with the objectives of these regulations, State laws and other applicable city ordinances.	
None proposed	

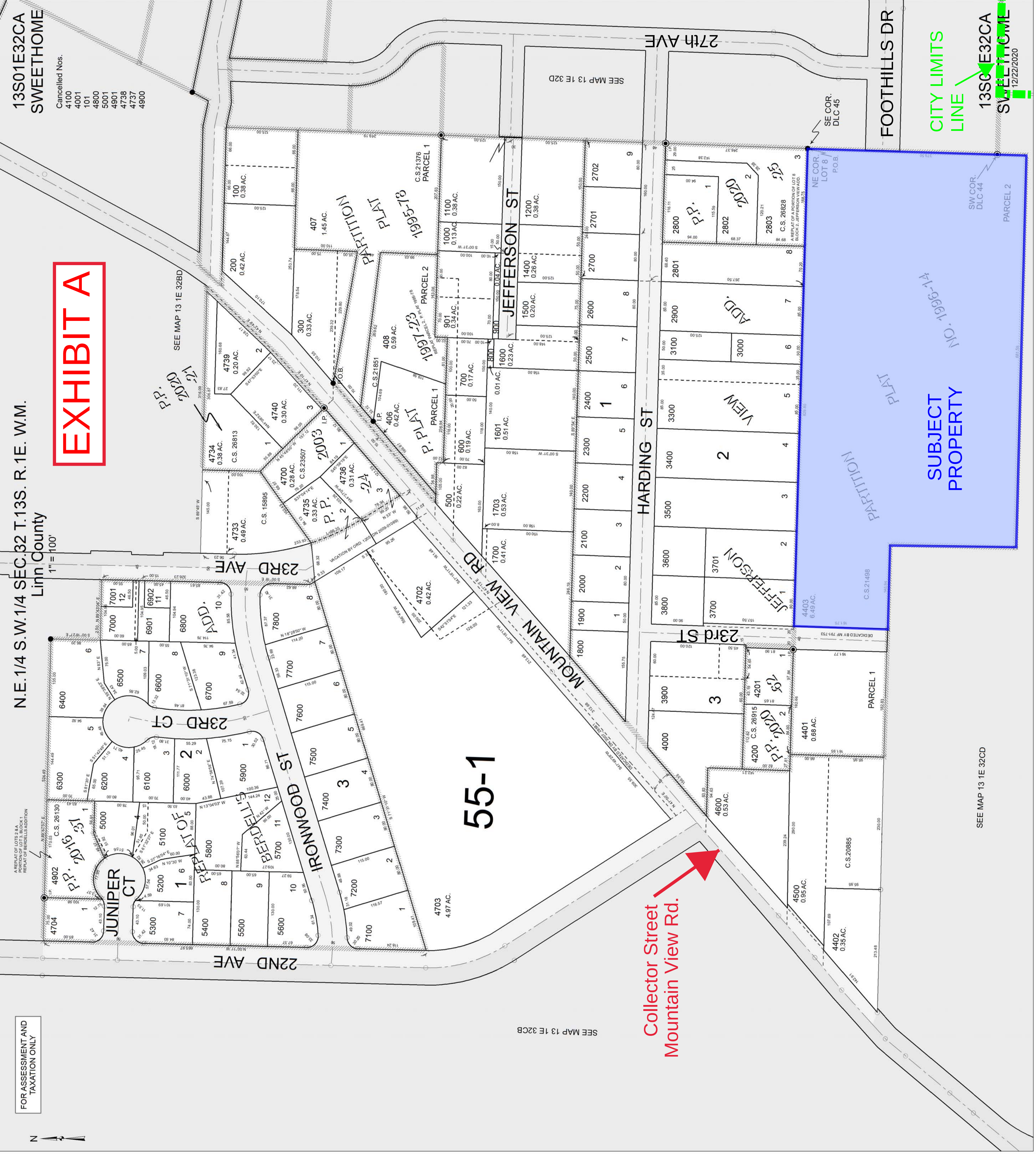
FOR ASSESSMENT AND TAXATION ONLY

N.E. 1/4 S.W. 1/4 SEC. 32 T.13S. R.1E. W.M.
Linn County

EXHIBIT A

13S01E32CA
SWEETHOME

Cancelled Nos.
4100
4001
101
4800
5001
4901
4738
4737
4900



55-1

Collector Street
Mountain View Rd.

SUBJECT
PROPERTY

CITY LIMITS
LINE

SEE MAP 13 1E 32CD

13S01E32CA
SWEETHOME
12/22/2020

LINN COUNTY
SURVEYOR'S OFFICE

EXHIBIT B

SUBDIVISION PLAT NAMING

I request that the Linn County Surveyor's Office reserve the following subdivision name:

PROPOSED NAME OF SUBDIVISION:	Foothills Ridge
MAP AND TAX LOT NUMBER:	MAP: 13S01E32CA TL: 4403
CITY JURISDICTION (Which City?) OR COUNTY JURISDICTION:	Sweet Home
SURVEYOR'S NAME:	Corbey Boatwright, PLS
OWNER'S NAME:	Saz Yakis

I understand that if the name is not used within one year, it will be automatically canceled.

Name of person reserving name: Corbey Boatwright, PLS
Address: Boatwright Engineering, Inc. 2613 12th Street SE Salem OR
Telephone number: 503.363.9225 Fax number: 503.363.1051 (prefer email)
corbey@boatwrightengr.com

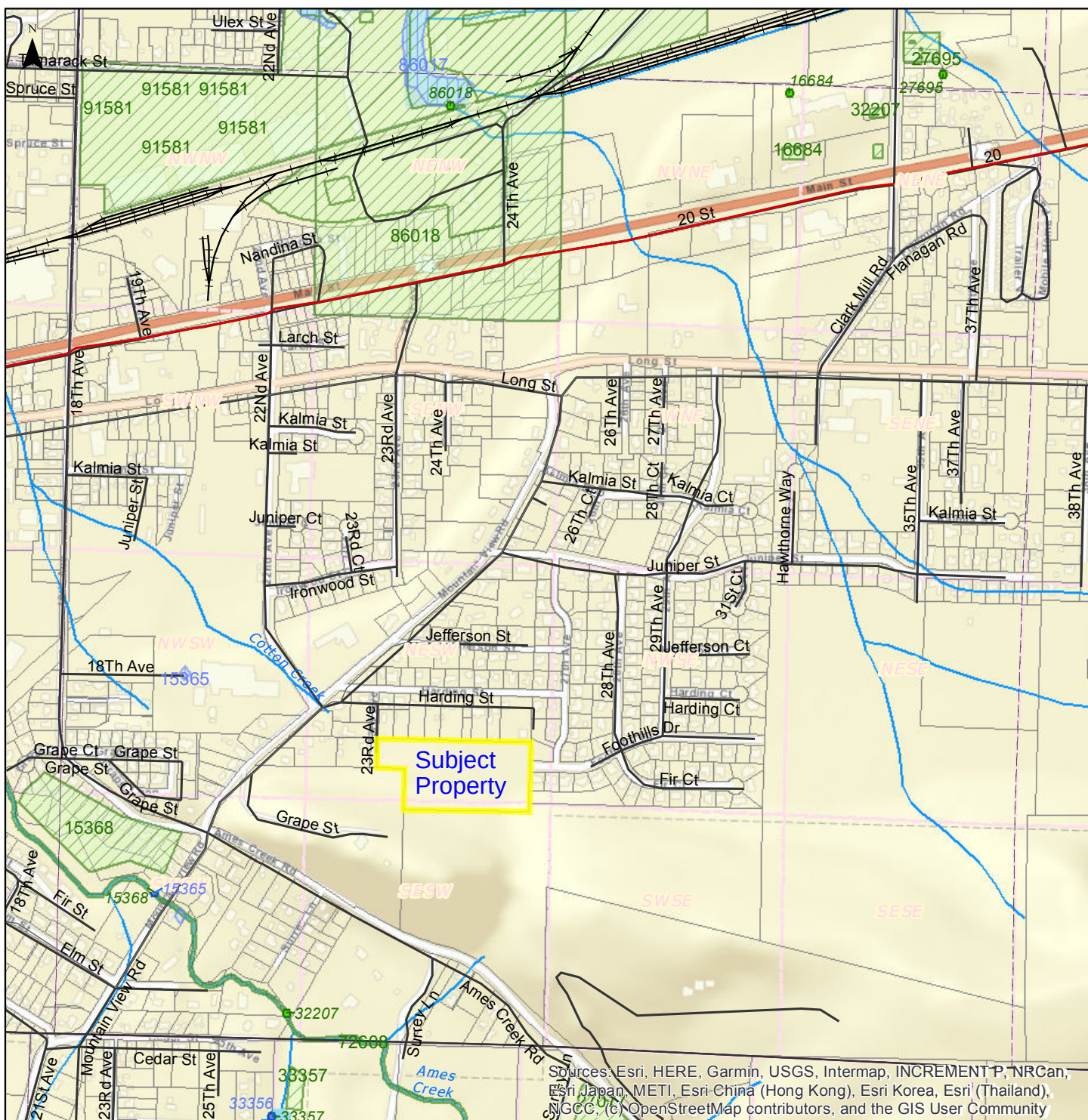
Signature:  Date: March 22, 2021

Name approved Date
Linn County Surveyor's Office

92.090 Approval of subdivision plat names; requisites for approval of tentative subdivision or partition plan or plat. (1) Subdivision plat names shall be subject to the approval of the county surveyor or, in the case where there is no county surveyor, the county assessor. No tentative subdivision plan or subdivision plat of a subdivision shall be approved which bears a name similar to or pronounced the same as the name of any other subdivision in the same county, unless the land platted is contiguous to and platted by the same party that platted the subdivision bearing that name or unless the party files and records the consent of the party that platted the contiguous subdivision bearing that name. All subdivision plats must continue the lot numbers and, if used, the block numbers of the subdivision plat of the same name last filed. On or after January 1, 1992, any subdivision submitted for final approval shall not use block numbers or letters unless such subdivision is a continued phase of a previously recorded subdivision, bearing the same name, that has previously used block numbers or letters.

P.O. Box 100 Albany, OR 97321

Phone (541) 967-3857 Fax: (541) 967-3801



Sources: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c) OpenStreetMap contributors, and the GIS User Community

0 1,000 Feet

Legend

Points of Diversion Places of Use

● 75030

● 24883

● 24883

75030

24883

24883

Storage water

Surface water

Ground water

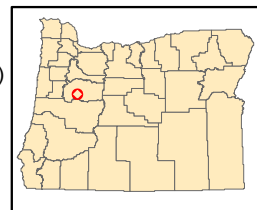
◆ Water Rights - Outline to be determined. (Applies to all colors)

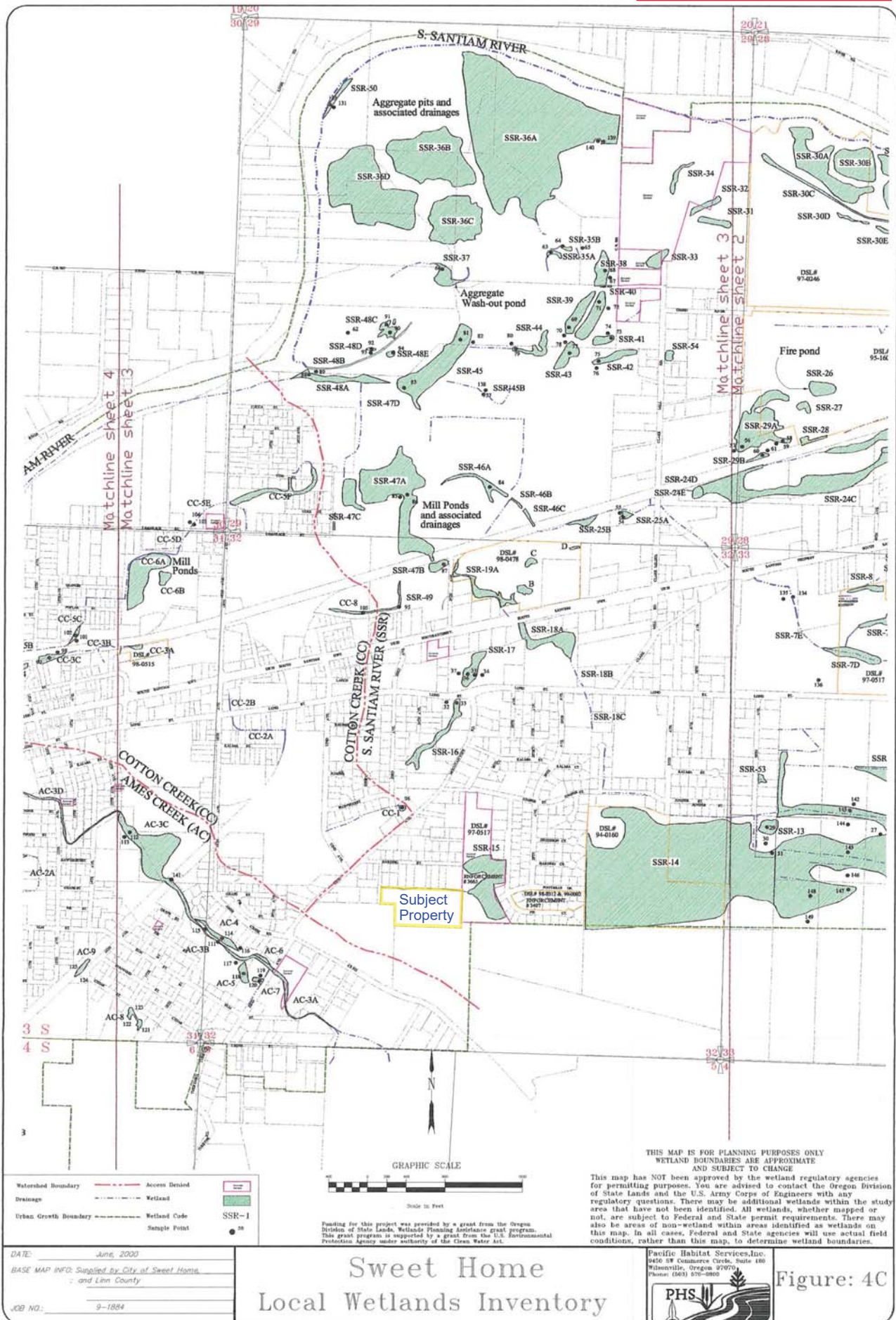
Water right labels indicate certificate number or permit letter(s) and number. Municipal uses excluded.

For more information:
<http://www.wrd.state.or.us> and
<http://apps.wrd.state.or.us/apps/wr/wrinfo/>

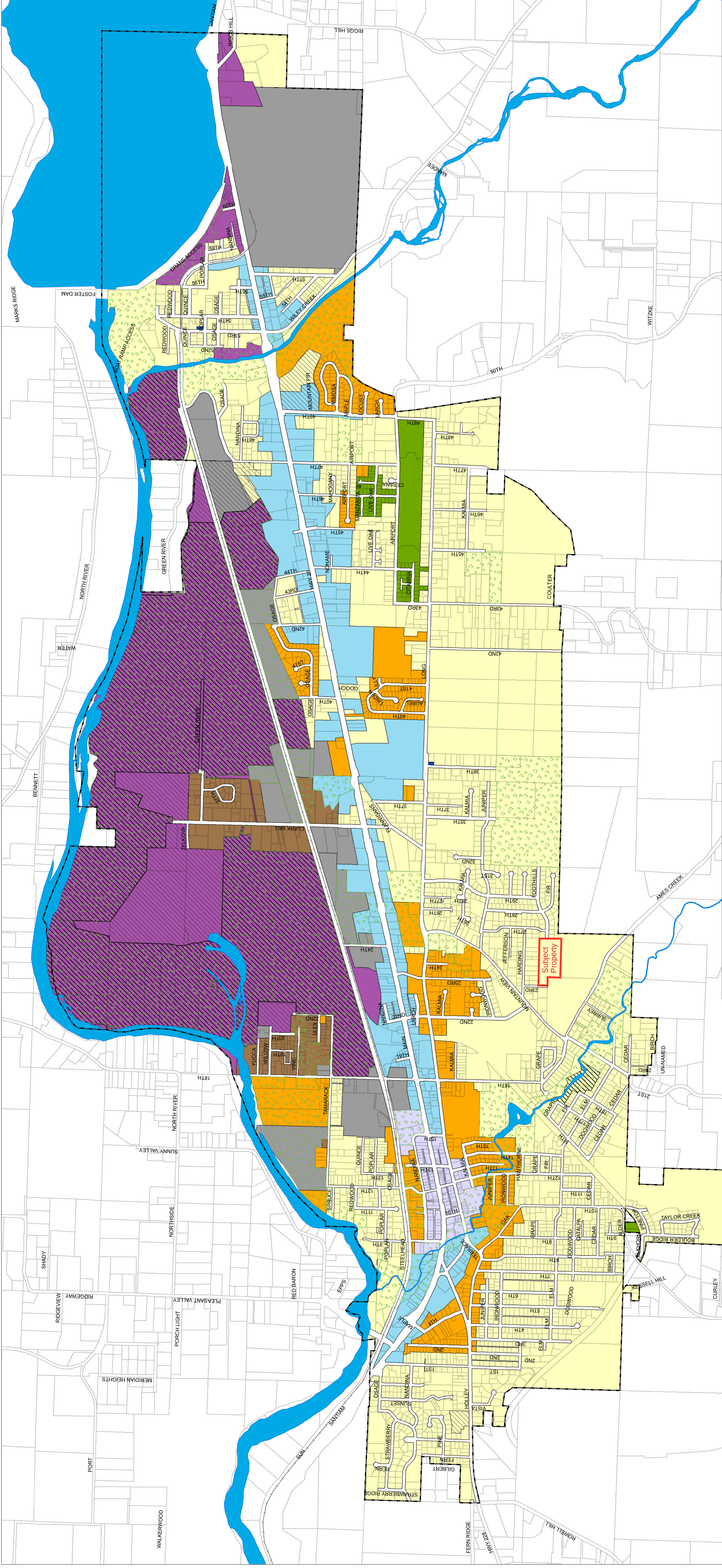
This map is for informational purposes only. It is not intended for legal, engineering or surveying purposes. Municipal rights are not included on this map.

Index Map





Sweet Home Zoning



Official Zoning Map

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

0 0.5 1 Miles
1 inch equals 0.16 miles

Zoning Ordinances

Ord.	Date	Ord.	Date
906	09-13-83	1089	09-10-96
912	01-10-84	1110	07-22-97
923	06-26-84	1114	12-09-97
933	06-11-85	1115	02-10-98
937	01-14-86	1118	09-08-98
1011	02-27-90	1123	03-09-99
1044	05-12-92	1152	09-23-03
1055	01-26-93	1162	06-22-04
1060	06-22-93	1169	03-22-05
1069	04-26-94	1178	01-10-06
1080	11-08-94	1181	03-14-06
1081	12-13-94	1192	07-24-07
1083	06-19-96	1193	09-11-07
1099	09-10-96	1197	12-11-07
1102	04-22-97	1200	05-27-08
1105	05-27-97	1206	12-25-08

Legend

Zoning

C1 (Central Commercial)
C2 (Highway Commercial)
C3 (Neighborhood Commercial)
M (Industrial)
R1 (Low Density Residential)
R2 (High Density Residential)
R3 (Medium Density Residential)
RC (Recreation Commercial)
RMT (Residential Industrial Transition)

Overlay Zones

Natural Resources
Natural Resources/Planned Development
Planned Development
City Limits
Taxlots
Lakes, Rivers, Streams
Railway