



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

September 03, 2026, 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.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City of Sweet Home 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 meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 971-203-2871 and enter the meeting ID followed by the # sign to be logged in to the call. Meeting ID: 246 156 257#

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) [2026-08-20 Planning Commission Meeting Minutes](#)

Public Hearings:

- a) [Subdivision SD23-01 Final Plat Extension](#)
- b) [Conditional Use Application CU26-02 Staff Report](#)

Staff Updates:

Planning Commission Business (Commission comments about topics 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.

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.

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

August 20, 2026, 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

Chair Laura Wood
Vice Chair Brandy Wysong-Frick
Commissioner Joe Graybill
Commissioner Daniel Tiel
Commissioner Nancy White

STAFF

Angela Clegg, Planning and Building Manager
Adam Leisinger, Special Projects Manager
Megan Dazey, Library Director

Public Comment. None.

Meeting Minutes:

a) 2026-07-02 Planning Commission Meeting Minutes

A motion to approve the July 2, 2026, meeting minutes was made by Vice Chair Wysong-Frick and seconded by Commissioner Graybill. The motion carried by the following vote:

AYE: Chair Wood, Vice Chair Wysong-Frick, Commissioner Graybill, Commissioner Tiel,
Commissioner White

NAY: None

Public Hearings

a) Application SDR26-01 Planning Commission Staff Report

The Public Hearing was opened at 6:31 PM

Chair Wood asked the Commissioners if they had any personal biases, conflicts of interest, or ex-parte information. All commissioners answered no.

Chair Wood asked Manager Clegg to present the staff report. Manager Clegg reported that the applicant seeks approval to redevelop the former Santiam Garden Center into an outdoor community space supporting Sweet Home Public Library programs. The property, located in the Commercial Central (C- 1) zone, is eligible for Site Development Review and meets zoning requirements for the proposed community-oriented use.

The proposed development will replace deteriorated structures with an open activity space featuring new fencing, seasonal shade structures, and detachable lighting. The use is comparable to a community center, which is permitted in the C- 1 zone. A building occupancy change to Assembly Group B has already been approved.

The site is not located within a floodplain or mapped wetlands and has existing access from both Long Street and 13th Avenue. Water, sewer, and stormwater utilities are available adjacent to the property. Planned grading and minor fill will maintain existing drainage patterns and ensure stormwater flows toward established systems.

Existing sidewalks and access points provide adequate circulation and connectivity, and no new pedestrian or vehicular facilities are proposed. The development's limited structural additions, fencing modifications, and the absence of incompatible neighboring uses provide sufficient noise and visual buffering.

All existing structures will be fully demolished prior to development, reducing safety hazards. The new occupancy classification, controlled access through fencing, and future review of lighting and fencing plans further ensure hazard mitigation.

Overall, staff find that the application meets all Site Development Review criteria under SHMC 17.102.060 and recommend approval with conditions requiring compliance with C- 1 development standards and completion of demolition prior to final plan review.

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

Conditions of Approval: The applicant shall complete the demolition and pass the demolition inspection before submitting final development plans. All development shall comply with the Commercial Central (C- 1) dimensional standards, including setbacks, height limits, parking, and other applicable requirements. All development shall comply with the Commercial Central (C- 1) development standards, including drainage and erosion control requirements.

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.

Staff recommend 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.

After the Planning Commission makes a decision, staff recommend 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.

After opening of the public hearing and receiving testimony, the Planning Commission's options include the following: Move to approve application SDR26-01 and thereby permit the development for the subject lot located at 1211 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 13100; 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. Move to deny application SDR26-01 for the subject lot located at 1211 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31AC Tax Lot 13100; 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. Move to continue the public hearing to a date and time certain (specify); or Other.

Manager Clegg closed the staff report presentation and asked if the planning commissioners had any questions. There were none.

Applicant Testimony:

Library Director, Megan Dazey, discussed the future plans for the property stating that the footprint will stay the same.

Commissioner Questions of the Applicant:

Vice Chair Wysong-Frick asked whether the library intends to use the space for the summer reading program. Director Dazey explained that the program is growing, and the additional space will allow them to accommodate more students and parents. She added that they also hope to use the space for teen game nights and the adult book group.

Commissioner Tiel asked about available parking. Director Dazey stated that the nearby City parking lot provides sufficient parking for the anticipated use.

Commissioner White asked whether the property would be secured when not in use. Director Dazey responded that the fence will be locked, and the library plans to install security cameras in the future for added security.

Commissioner Wood asked whether the library intends to rent the space for community events. Director Dazey said that decision would be made by the Library Board and City Council, though the City might use the space for events such as National Night Out.

Commissioner Graybill asked whether an agreement was needed with the neighboring business regarding their private parking lot. Director Dazey stated that the adjacent lot will remain private and that Library patrons will be encouraged to use the public parking lot.

Vice Chair Wysong-Frick asked whether there have been any complaints from the private lot's owner about Library users. Director Dazey noted that the owner had expressed concerns about the former property owner's use but had no complaints related to the library.

Commissioner Graybill asked whether the existing fence would remain or be improved. Director Dazey stated that she intends to obtain permits to replace the fence.

Testimony in favor: None

Testimony in opposition: None

Neutral testimony: None

The Public Hearing was closed at: 6:43 PM

Discussion of the Commissioners:

Commissioner White commented that the proposal represents an improvement over the previous use of the property and is an appropriate use of the space.

Commissioner Tiel agreed, adding that the planned changes should help address any potential concerns from the neighboring private property owner.

Vice Chair Wysong-Frick stated that the project would be beneficial for the community.

Chair Wood noted that the community will appreciate seeing the property developed and that the project will support the library's ability to expand its programs.

Commissioner Graybill agreed that the project will be a positive improvement.

A motion to approve application SDR26-01 was made by Commissioner White and was seconded by Commissioner Graybill. The motion was carried by the following vote:

AYE: Chair Wood, Vice Chair Wysong-Frick, Commissioner Graybill, Commissioner Tiel, Commissioner White

NAY: None

Staff Updates:

Manager Clegg informed the Commission that a Conditional Use hearing and a final plat extension hearing are scheduled for the September 3 meeting.

Clegg provided an update on ongoing work in Sankey Park and on the new Fitness Park being installed at City Hall.

Planning Commission Business

Manager Clegg asked Commissioners to confirm their attendance for the September 3 meeting to ensure a quorum. Chair Wood noted she will be absent, and Clegg stated she will attend remotely.

Adjournment

The meeting was adjourned at 6:47 PM

Laura Wood, Chair
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Planning & Building Manager



STAFF REPORT PRESENTED TO THE PLANNING COMMISSION

REQUEST

The applicant is requesting an extension of the approval period for the Final Plat of a previously approved multi-phase subdivision. The project includes the creation of residential lots and storm water tracts over four phases and requires an extension to allow additional time for completion of required engineering, construction, and platting work for Phase I.

BACKGROUND

The subdivision was approved to be developed over four phases and includes a total of:

- Phase 1: 41 residential lots and 1 storm water tract
- Phase 2: 43 residential lots and 1 storm water tract
- Phase 3: 46 residential lots and 2 storm water tracts
- Phase 4: 27 residential lots

Lot sizes range from approximately 7,029 square feet to approximately 28,907 square feet. All lots are eligible for development with single-family dwellings or duplexes, consistent with SHMC 17.10.020(A-B). The properties are located within the Residential Low Density (R-1) Zone.

The applicant is requesting an extension under SHMC 17.110.080 to allow additional time to complete the requirements for final plat approval and recording.

REVIEW

The Planning, Building and Public Works Departments reviewed the request and provided comments and required conditions (referenced in Section II of the original staff report). These requirements include compliance with City engineering design standards, stormwater requirements, utility installation standards, street standards, inspection procedures, and as-built documentation.

CONCLUSION

Staff finds that the request for extension is consistent with SHMC 17.90.050 and 17.110.080 and that an extension will allow the applicant to complete necessary construction, obtain all required permits, and finalize plat recording without altering the approved subdivision configuration. The recommended conditions below ensure that all public improvements, utility installations, stormwater facilities, and final plat documentation continue to meet City standards.

SD23-01 RECOMMENDED CONDITIONS OF APPROVAL

1. The final configuration of lots shall substantially conform to the plot plan included as Attachment B. Phasing, lot counts, stormwater tracts, and lot sizes shall remain as previously approved. All lots shall meet the permitted uses in SHMC 17.10.020(A-B) within the R-1 Zone.
2. The applicant shall comply with all requirements identified by the CEDD Engineering and Public Works Engineering Department comments.
3. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46.
4. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48.
5. The applicant shall comply with all Street Standard requirements in SHMC 17.42.
6. Property lines shall be situated so that all buildings comply with the R-1 setback requirements.

7. All public improvements shall meet City development codes and specifications, and installation shall follow the procedures in SHMC 17.58.070, including:
 - A. City approval of plans prior to commencement.
 - B. Notification to the City before starting or resuming work.
 - C. Inspection and approval by the Public Works Director or designee.
 - D. Installation of all underground utilities prior to street surfacing.
 - E. Submission of as-built drawings to Public Works upon completion.
8. Within two years of the Final Decision, the final plat (or first phase) shall be recorded with Linn County. If not recorded within two years, the preliminary approval shall lapse. All phases must be recorded within 10 years [SHMC 17.110.080(A)].
9. Final plat approval becomes effective upon recording. Approved final plats become void one year after City approval if not recorded [SHMC 17.110.080(G)].
10. The applicant shall obtain all applicable development permits, including Public Works permits, building permits, erosion control permits, a DEQ 1200-C Stormwater Permit, and any Department of State Lands permits if applicable.

STAFF RECOMMENDATION

Staff recommends **approval of the Final Plat Extension** with the conditions listed above.

ATTACHMENTS:

- A. Planning Commission Extension Request
- B. Staff Extension Requestion February 17, 2026
- C. SD23-01 Staff Report presented on February 1, 2024
- D. Decision Order approved on March 21, 2024



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

Land Use Approval Extension

File: SD23-01

Applicant: Cordle Construction LLC

Application Description: Recording of the Phase I final plat for
Coulter Subdivision

Property Address: 45th Avenue & Coulter Lane

Assessor's Map and Tax Lot: 13S01E33D / 2800, 3502

Date of Original Planning Commission Approval: March 21, 2024

Original Expiration Date: March 26, 2026

Length of Extension Request: 18 months

Reason for Extension Request: 6 month extension expires 9/26/26.
requesting an additional 18 months to complete punchlist required prior to approving final plat

Milda Cordle 8.14.26
Applicants Signature Date

Deciding Party:

- ☐ Planning Official (One year or less)
☒ Planning Commission (More than one year)

Date of Decision: September 3, 2026

New Approval Deadline: March 26, 2028

The land use application approval shall be void after the **New Approval Deadline** if the use has not been substantially established as defined in the Sweet Home Municipal Code (SHMC). All other terms and conditions of the land use approval remain unchanged.

Planning Commission Representative (If applicable)

Date

Planning and Building Manager

Date



City of Sweet Home

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

Land Use Approval Extension

File:

SD23-01

Applicant:

Cordle Construction

Application Description:

phase 1 of the

coultter sub division

Property Address:

Linn county map No. 13S01E33D

Assessor's Map and Tax Lot:

2800 + 3502

Date of Original Planning
Commission Approval:

3-21-2024

Original Expiration Date:

March 26, 2026

Length of Extension Request:

10 months

Reason for Extension Request:

need time to instal

sidewalks

Applicants Signature

Milda Alm

Date

2-17-26

Deciding Party:

- ☒ Planning Official (One year or less)
☐ Planning Commission (More than one year)

Date of Decision:

02.17.26

New Approval Deadline:

09.26.26

The land use application approval shall be void after the **New Approval Deadline** if the use has not been substantially established as defined in the Sweet Home Municipal Code (SHMC). All other terms and conditions of the land use approval remain unchanged.

Planning Commission Representative (If applicable)

Date

Planning and Building Manager

Lingula Chagga

Date

02.17.26



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 41.03 acres (1,787,269 square foot) property into 161 total lots over the span of four phases. Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.

Application SD23-01 is reliant on the approval of Application PLA23-05. Application PLA23-05 is an Administrative Decision and is not decided upon by the Planning Commission. Applications SD23-01 and PLA23-05 are being filed simultaneously.

APPLICANT: Cordle Construction LLC

PROPERTY OWNER: Cordle Construction LLC

FILE NUMBER: SD23-01

PROPERTY LOCATION: Identified on the Linn County Assessor's Map as 13S01E33D Tax Lots 02800 and 3502.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10., , 17.28.020, 17.40.010 through 17.40.030, 17.42, 17.44, 17.46. 17.48, 17.52, 17.56, 17.58, 17.82.010 through 17.82.040, 17.82.060, 17.82.090(F)(2) and 17.110.

HEARING DATE & TIME: February 1, 2024, at 6:30 PM

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

STAFF CONTACT: Angela Clegg, Tourism & Economic Development Coordinator
Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

REPORT DATE: January 26, 2024

I. PROJECT AND PROPERTY DESCRIPTION

The application under consideration is a proposed tentative subdivision plat. The proposed subdivision will be completed in 4 phases and include 157 residential lots and 3 storm water tracts. The subdivision approval is reliant on the property line adjustment application being filed concurrently. The subject properties are located east of 43rd Avenue, north and east of Coulter Lane, the southernmost end of 45th Avenue, and the southernmost end of 46th Avenue and is identified by Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502.

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)	Low Density Residential
Property East	Linn County	Linn County
Property South	Linn County	Linn County
Property West	Residential Low Density (R-1)	Low Density Residential

Floodplain	Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G and 41043C0918G, dated September 29, 2010, the subject properties are not in the Special Flood Hazard Area.
Wetlands:	The subject property does show wetlands/waterways on the property depicted on the Sweet Home Local Wetlands Inventory Map: SSR-2, SSR-3, SSR-3A, SSR-3C, SSR3-D, SSR-3E, and SSR-3H. Per the Department of State Lands (DSL) Wetland Land Use Notice Response on December 28, 2023: This project has a concurred wetland delineation (WD2023-0092). This delineation identified extensive wetlands onsite. A permit and associated mitigation are required.
Access:	Proposed Parcel I has access from 43 rd Avenue and Coulter Lane. Proposed Parcel II shall have access via a road system proposed with Subdivision Application SD23-01, applied for simultaneously.
Services:	There are City water and sewer services in 43 rd Avenue, Coulter Lane, and 46 th Avenue. There are three storm water channels abutting and one running north to south on Proposed Parcel I. There are two storm water channels abutting and four running north to south on Proposed Parcel II.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice:	December 12, 2023
Notice Published in Newspaper:	December 21, 2022
Planning Commission Public Hearing:	February 1, 2024
120-Day Deadline:	April 19, 2024
Notice was provided as required by SHMC 17.122.010	

II. COMMENTS

Levi Gideon

CEDD Engineering:

Here are the CEDD Engineering comments on SD23-01

- This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480.
- 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures.
 - It appears that this applies to exhibit 'E-2', east end of:
 - A Street

- B Street
 - C Street
 - D Street
 - Coulter Lane
 - Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan.
- All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead.
 - The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described:
 - Eastern end of 'C' Street
 - Eastern end of 'A' Street
 - Eastern end of Coulter Lane
 - Southern end of 46th Avenue
- Recommend building a neighborhood park or comparable facility, as the area is currently undeveloped and there are no parks or playgrounds within a reasonable distance. The nearest park is Ashbrook Park, which is 1.4 miles away.
- Streetlights will need to be installed at the appropriate locations. All new streetlights in subdivisions shall be aluminum material with an anchor pier. The light fixture itself shall be a LED luminaire, and shall conform to Oregon PUC rules.

**Blake Patterson
Public Works
Engineering:**

Water:

- The waterline on 43rd will allow the proposed tie in shown in the design.
- Waterline entering the subdivision from the 43rd avenue 16" water main tap will need to be an 8" c900 PVC line.
- The 8" PVC waterline serving the subdivision will need to be looped and tied back into our existing 8" ductile iron water main on 46th avenue.

Sanitary Sewer:

- The design calls for a sanitary sewer tie in on 43rd avenue, into an existing 10" line, however, the existing sewer line on 43rd avenue is only an 8" concrete line.
- The design also shows existing sewer on Coulter Lane being a 6" concrete line, and it is an 8" concrete line.
- Existing sewer line size on Coulter Lane will be sufficient, but the 43rd avenue 8" line will need to be upsized to 10" 30/34 PVC from the A street tie in, north to long street, where it will tie in to our existing 12" line.

Storm Water:

- Where subdivision storm water system outlets into the 43rd avenue ditch, we would need to see an engineered storm water development report that shows pre and post development run-off rates, to ensure the existing 43rd avenue ditch has appropriate capacity.

**Ray Grundy
Building Division:**

In regard to SD23-01 Building has no comments or concerns at this time.

**Sweet Home Fire
District:**

No comments as of the issuance of this staff report.

**Jevra Brown, Aquatic
Resource Planner
Dept of State Lands:**

RE Subdivision application 13S01E33D Tax Lots 2800 and 3502; AND new email address for general notices to DSL, and several LWI & WLUN related details. Thank you for sending this, what we call internally, "general notice." We have one document in our database for this project, an approved delineation WD2023-0092. Since this application is for a subdivision, and if it will impact the wetlands or waters mapped in the delineation (or on your LWI), ORS directs you to submit a Wetland Land Use Notice within 5 days of receiving a complete application (however you define that). The online WLUN submittal form, statutes and submittal guidance can be found in the Wetland land use notice drop down on this page, scroll down to find it: <https://www.oregon.gov/dsl/WW/Pages/WetlandConservation.aspx> Contact me if you have questions! As a reminder, DSL approved delineations "refine" the LWI mapping per: 141-086-0230 Revisions (4) Newly-identified wetlands as identified by a Department-approved wetland delineation report or a removal-fill permit must not be added to the Department-approved Local Wetlands Inventory map without following the procedures outlined by OAR 141-086-0230(1)(a) through (d). (5) Refinements to the location, extent, and/or absence of wetlands mapped on the LWI, as identified by a Department-approved wetland delineation or a Department wetland determination report, may be made at any time through an administrative process, by annotating the approved LWI or by creating a separate geospatial dataset containing the boundary adjustments, preserving the approved LWI mapping.

Public Comments:

No comments as of the issuance of this staff report.

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.

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

- A. *Minimum lot area.* Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.**

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet.

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

- B. *Lot width and depth.* The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.**

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: Based on the submitted site plans (attachment B), no depth of a lot or parcel exceeds three times the width of the parcel.

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

C. Access. All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is:

- 1. Infeasible due to parcel shape, terrain, or location of existing structures;**
- 2. Unnecessary to provide for the future development of adjoining property.**
- 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.**

Applicant Comments: Part IV, Page 1: All proposed lots are accessed by public street.

Staff Findings: Based on the submitted site plans (attachment B), all new lots or parcels shall access a public street. No lot within the subdivision is accessed via a private street or private access easement.

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

D. Flag lots. Flag lots shall be subject to the following development standards:

- 1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.**
- 2. The access strip shall not be included in the lot area calculation.**
- 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.**

Applicant Comments: Part IV, Page 2: No flag lots are proposed.

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

E. Through lots. Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non residential activities, or to overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.

Applicant Comments: Part IV, Page 2: No through lots are proposed.

Staff Findings: Based on the submitted site plans (attachment B), the applicant has proposed one through lot, Lot 14, in Phase 4. There is a proposed fire turn-around (hammerhead) at the rear of Lot 14 along C Street, making the front of Lot 14 along B Street.

F. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.

Applicant Comments: Part IV, Page 2: Complies, as shown on Tentative Plat, Series 'E' Exhibits.

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

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

G. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.

Applicant Comments: Part IV, Page 2: A 7' wide UE will be provided parallel to all street frontages as shown on Tentative Plat Exhibits.

Staff Findings: Based on the submitted site plans (attachment B) the applicant has proposed public utilities to be located in the public right-of way and utility easements throughout the subdivision. (Attachment B, Exhibits F through F-9).

17.58.040 ADDITIONAL STANDARDS FOR SUBDIVISIONS

A. General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

Applicant Comments: Part IV, Page 2: Generally blocks are aligned with existing north-south street rights of way in order to continue the existing street pattern. The proposed street pattern and block layout provides pedestrian and bicycle access and continuity as well as vehicle access to existing streets.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. The lot sizes provide adequate building sites for single-family dwellings and duplexes. Based on the submitted site plans (attachment B), the applicant has proposed local street widths of 40 feet for A Street, and 45 feet for B Street, C Street, D street, 44th Avenue, 45th Avenue, and 46th Avenue. The existing Coulter Lane is 40 feet. The applicant has proposed a 7-foot sidewalk and curb width for pedestrian traffic. Staff finds that the length, width and shape of the blocks provide adequate building sites and the applicant considered safe pedestrian and bicyclist traffic, convenient access and traffic circulation.

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

B. Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or, if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.

Applicant Comments: Part IV, Page 2 and 3: Generally blocks are aligned with existing north-south street rights of way. No block length exceeds 1000'. Where matching the existing street pattern creates block lengths exceeding 500' a mid-block pedestrian/bicycle accessway is proposed. No block width between new streets exceeds 500. No collector or arterial streets are transportation system planned to serve the applicant's property or the vicinity.

Staff Findings: Based on the submitted site plans (attachment B), the length of the subdivision blocks ranges from approximately 371 feet to approximately 567 feet. The width of the subdivision blocks ranges from approximately 82 feet to approximately 200 feet.

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

C. Traffic circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary – 1/4 mile for pedestrians, and one mile for bicyclists.

Applicant Comments: Part IV, Page 3: The proposed subdivision layout provides connectivity to all existing street rights of way in order to facilitate the desired connectivity.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is

required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480.

D. *Connectivity. To achieve the objective in “C. Traffic Circulation” above, The City may require the following:*

- 1. *Stub-end streets. Where the potential exists for additional residential development on adjacent property. The City may require reserve strips and streets plugs to preserve the objectives of street extensions.***
- 2. *Accessways. Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.***

Applicant Comments: Part IV, Page 3: The applicant concurs and in preparing the accompanying Exhibits has attempted to locate street connectivity and pedestrian/bicycle accessways where appropriate. Please note, in Phase 4 the 46th Avenue right of way is not continuous to the southerly property line. This is because of the significant steep slopes along the southeast boundary of the property.

Staff Findings: Per the CEDD Engineering comments in Section II above: A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit ‘E-2’, east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan.

All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: the eastern end of C Street, the eastern end of A Street, the eastern end of Coulter Lane, and the southern end of 46th Avenue.

E. *Collector and arterial connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site’s arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.*

Applicant Comments: Part IV, Page 3: Not applicable.

Staff Findings: Based on the submitted site plans (attachment B), A Street, C Street, and Coulter Lane will connect to 43rd Avenue. 44th Avenue extends from A Street to Coulter Lane. 45th Avenue and 46th Avenue will be extended from the north property boundary to D Street. The applicant has proposed 7-foot-wide sidewalks and curbing throughout the subdivision design.

F. *Design standards. Pedestrian/bicycle accessways shall meet the following design standards:*

- 1. *Minimum dedicated width: 10 feet***
- 2. *Minimum improved width: 8 feet***
- 3. *The accessway shall be designed to prohibit vehicle traffic.***

Applicant Comments: Part IV, Page 3 and 4: The applicant concurs. The required accessway width is reflected on the Tentative Plat drawings. Compliance with the improvement standards will be assured under 17.58.070.A.

Staff Findings: No pedestrian or bicycle accessways are shown on the submitted site plans (attachment B).

17.58.060 IMPROVEMENT REQUIREMENTS - SUBDIVISION

A. Improvements. The following improvements shall be required for all subdivisions:

1. **Frontage improvements.** Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.

Applicant Comments: Part IV, Page 4: Exhibits 'H', 'H-1', and 'H-2' establish the street frontage improvements proposed in this application and which meet this standard. Utilities will be constructed as indicated on the Grading and Utilities Plans, 'F' series Exhibits.

2. **Project streets.** Streets within the subdivision shall be constructed as required by City Engineering Standards.

Applicant Comments: Part IV, Page 4: The applicant concurs.

3. **Monuments.** Monuments shall be established as required by the Engineering Design Standards.

Applicant Comments: Part IV, Page 4: The applicant concurs, such monuments will be shown on the final subdivision plat.

4. **Surface drainage and stormwater system.** Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 4: The applicant concurs, a Conceptual Stormwater Drainage Facilities Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing stormwater facilities on the applicant's property.

5. **Sanitary sewers.** Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 4 and 5: The applicant concurs, a Conceptual Sanitary Sewer Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing sanitary sewer lines on the applicant's property.

6. **Water system.** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 5: The applicant concurs, a Conceptual Water System Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A.

7. **Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.

Applicant Comments: Part IV, Page 5: The applicant concurs where development occurs on both sides of each public street. Where development occurs on only one side of a new public street the off-side planter strip and sidewalk shall be the responsibility of the adjacent property owner under a future development application. Please see Exhibit 'H-2'.

8. **Street lights.** The installation of street lights is required at locations, and of a type required by City standards.

Applicant Comments: Part IV, Page 5: The applicant concurs.

9. **Street signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.

Applicant Comments: Part IV, Page 5 and 6: The applicant concurs.

10. **Other requirements.**

- a. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.
- b. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

Applicant Comments: Part IV, Page 6: The applicant concurs. The applicant proposes street tree planting as shown on Exhibit 'I'.

- B. **Completion of improvements.** All improvements required under this Chapter shall be completed to City standards, or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

Applicant Comments: Part IV, Page 6: The applicant concurs.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480. A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit 'E-2', east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan. All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: eastern end of 'C' Street, eastern end of 'A' Street, eastern end of Coulter Lane, and southern end of 46th Avenue.

Streetlights will need to be installed at the appropriate locations. All new streetlights in subdivisions shall be aluminum material with an anchor pier. The light fixture itself shall be a LED luminaire and shall conform to Oregon PUC rules.

Per the Public Works Engineering comments in Section II above: The waterline on 43rd Avenue will allow the proposed tie-in shown in the design. The waterline entering the subdivision from the 43rd Avenue 16-inch water main tap will need to be an 8-inch c900 PVC line. The 8-inch PVC waterline serving the subdivision will need to be looped and tied back into our existing 8-inch ductile iron water main on 46th Avenue. The design calls for a sanitary sewer tie-in on 43rd Avenue, into an existing 10-inch line, however, the existing sewer line on 43rd Avenue is only an 8-inch concrete line. The design also shows the existing sewer on Coulter Lane being a 6-inch concrete line, and it is an 8-inch concrete line. The existing sewer line size on Coulter Lane will be sufficient, but the 43rd Avenue 8-inch line will need to be upsized to a 10-inch 30/34 PVC from the A Street tie-in, north to Long Street, where it will tie into our existing 12-inch line. Where subdivision storm water system outlets into the 43rd Avenue ditch, we would need to see an engineered storm water development report that shows pre and post development run-off rates, to ensure the existing 43rd Avenue ditch has appropriate capacity.

Staff shall recommend a conditional of approval that the applicant comply with all improvement requirements listed in SHMC 17.58.060.

17.110.040 SUBMITTAL REQUIREMENTS

The following submittal requirements shall apply to all Preliminary Plat applications for subdivisions or Planned Development.

- A. All applications shall be submitted on forms provided by The City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria.**
- B. Applicants for subdivisions shall submit one 11" x 17" copy of the preliminary plan along with one digital copy. The preliminary plan shall include the following:**
 - 1. General Information.** The following general information shall be shown on the tentative plan:
 - a. Vicinity map showing all streets, property lines, streams, flood plain and other pertinent data to locate the proposal.**
 - b. North arrow and scale of drawing.**
 - c. Tax map and tax lot number or tax account of the subject property.**
 - d. Dimensions and size in square feet or acres of the subject property.**
 - e. Name of the Subdivision or Planned Development.**
 - 2. Existing conditions.**
 - a. Location of all existing easements within the property.**

- b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.
 - c. The location and direction of water courses or drainage swales on the subject property.
 - d. Existing use of the property, including location of existing structures. It should be noted whether the existing structures are to remain or be removed from the property.
 - e. Direction of drainage and approximate grade of abutting streets.
 - f. Proposed streets, approximate grade, and radius of curves.
 - g. Any other legal access to the subdivision other than a public street.
 - h. Contour lines related to an established bench mark on City datum, having the following minimum intervals:
 - 1) Areas with less than 5% slope: One-foot contours
 - 2) Areas with slope between 5% and 10%: Two-foot contours.
 - 3) Areas with slope greater than 10%: Five-foot contours.
3. **Proposed plan.**
- a. Locations, approximate dimensions and area in square feet of all proposed lots. All lots shall be numbered consecutively.
 - b. Location, width and purpose of any proposed easements.
 - c. All areas to be offered for public dedication.
 - d. If any portion of the property is not proposed to be included in the subdivision or any public dedication, that portion shall be identified as a remnant parcel. A draft subdivision or development plan shall be included showing how the proposed subdivision will provide needed access and utilities to serve future development of the remnant parcel.
 - e. Proposed phasing.

Staff Findings: The applicant submitted Application SD23-01 on December 12, 2023. Staff deemed the application complete on December 20, 2023.

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). Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.

2. The applicant shall comply with all requirements identified by the CEDD Engineering and Public Works Engineering Department comments in Section II above.
3. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46.
4. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48.
5. The applicant shall comply with all Street Standard requirements in SHMC 17.42.
6. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential Low Density (R-1) Zone.
7. In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:
 - A. *City approval required.* Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
 - B. *Notification.* Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
 - C. *Inspections.* Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.
 - D. *Installation of utilities.* All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
 - E. *As-built drawings.* A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements. [SHMC 17.58.070]
8. Within two years of the Final Decision, a final approved plat (or first phase) shall be recorded with the County. If the first phase final plat is not recorded within two years, the preliminary approval shall lapse and a new application shall be required. All phases of an approved plat shall be recorded within 10 years of the final date of decision. [SHMC 17.110.080(A)]
9. *Effective date for final plat approval.* The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County. Approved final plats shall become void one year after final City approval if they are not recorded. [SHMC 17.110.080(G)]
10. 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 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 SD23-01; 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 SD23-01; 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.

VI. ATTACHMENTS

- A. Subject Property Map
- B. Application, Narrative, Tentative Subdivision Maps, Wetland Delineation Report
- C. Application PLA23-05 – for informational purposes only

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.



City of Sweet Home

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

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

REQUEST: The applicant is requesting to subdivide an approximately 41.03 acres (1,787,269 square foot) property into 161 total lots over the span of four phases. Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.

Application SD23-01 is reliant on the approval of Application PLA23-05. Application PLA23-05 is an Administrative Decision and is not decided upon by the Planning Commission. Applications SD23-01 and PLA23-05 are being filed simultaneously.

APPLICANT: Cordle Construction LLC

PROPERTY OWNER: Cordle Construction LLC

FILE NUMBER(S): SD23-01

PROPERTY LOCATION: Identified on the Linn County Assessor's Map as 13S01E33D Tax Lots 02800 and 3502.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.10., , 17.28.020, 17.40.010 through 17.40.030, 17.42, 17.44, 17.46. 17.48, 17.52, 17.56, 17.58, 17.82.010 through 17.82.040, 17.82.060, 17.82.090(F)(2) and 17.110.

STAFF CONTACT: Angela Clegg, Tourism & Economic Development Coordinator
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

- I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on February 1, 2024 and March 21, 2024. At the hearings the Planning Commission reviewed application SD23-01. The Planning Commission deliberated on this matter at their February 1, 2024 hearing and voted to continue the hearing to March 21, 2024. The Planning Commission deliberated on the matter at their March 21, 2024 meeting and passed a motion to approve the application. That motion of approval specified a 12-day appeal period from the date the Notice of Decision is mailed.
- II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the February 1, 2024 and March 21, 2024 public hearings. The Planning Commission considered the information in the record and the Findings of Fact listed in the Staff Report presented to the

Planning Commission prior to the February 1, 2024 and March 21, 2024, public hearings. The Planning Commission adopted the modified Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order.

Application SD23-01 was approved at the March 21, 2024 Planning Commission meeting. Application PLA23-05 was approved on March 25, 2024 by the Community and Economic Director.

- III. **DECISION:** Approved with Conditions. The Planning Commission held a public hearing at their meeting on March 21, 2024, to consider the request identified as application SD23-01. The Planning Commission deliberated on this matter, and approved application SD23-01 with the conditions listed below.

Conditions of Approval:

1. The final configuration of the proposed lots shall substantially conform to the plot plan reviewed in this application (See Attachment B). Phase I includes 41 residential lots and 1 storm water tract. Phase 2 includes 43 residential lots and 1 storm water tract. Phase 3 includes 46 residential and 2 storm water tracts. Phase 4 includes 27 residential lots. The subject properties are north of Coulter Lane, east of 43rd Avenue, south of 45th Avenue, and south of 46th Avenue. The subject properties are identified on the Linn County Tax Assessor's Map No. 13S01E33D Tax Lots 2800 and 3502. Lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. All lots shall be eligible to be developed with single, family dwellings or duplexes [SHMC 17.10.020. (A-B)]. The subject properties are in the Residential Low Density (R-1) Zone.
2. The applicant shall comply with all requirements identified by the CEDD Engineering and Public Works Engineering Department comments in Section II above.
3. The applicant shall comply with all Storm Drainage and Grading requirements in SHMC 17.46.
4. The applicant shall comply with all Utility Lines and Facility requirements in SHMC 17.48.
5. The applicant shall comply with all Street Standard requirements in SHMC 17.42.
6. The new property lines shall be situated so that all buildings and structures comply with yard (setback) requirements of the Residential Low Density (R-1) Zone.
7. In addition to Engineering Design Standards, improvements installed by a developer for any land division, either as a requirement of these regulations or the developer's option, shall conform to the requirements of this Development Code, the improvement standards and specifications adopted by The City, and shall be installed in accordance with the following procedures:
 - A. *City approval required.* Improvement work shall not commence until plans are approved by The City. All plans shall be prepared in accordance with requirements of The City.
 - B. *Notification.* Improvement work shall not commence until The City has been notified in advance; and, if work has been discontinued for any reason, it shall not be resumed until The City has been notified.
 - C. *Inspections.* Improvements shall be constructed under the inspection and to the satisfaction of the Public Works Director or designee. The City may require changes in typical street sections and improvements if unusual conditions arise during construction to warrant such changes.

- D. *Installation of utilities.* All underground utilities, sanitary sewers, and storm drains installed by the developer shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length eliminating the necessity for disturbing the street improvements when service connections are made.
- E. *As-built drawings.* A map or plan showing all public improvements as built shall be filed with the Department of Public Works upon completion of the improvements. [SHMC 17.58.070]
8. Within two years of the Final Decision, a final approved plat (or first phase) shall be recorded with the County. If the first phase final plat is not recorded within two years, the preliminary approval shall lapse and a new application shall be required. All phases of an approved plat shall be recorded within 10 years of the final date of decision. [SHMC 17.110.080(A)]
9. *Effective date for final plat approval.* The approval process for a development shall become final upon the recording of the approved final plat together with any required documents with the County. Approved final plats shall become void one year after final City approval if they are not recorded. [SHMC 17.110.080(G)]
10. 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.

PLANNING COMMISSION DECISION: March 21, 2024

DECISION MAILED: March 27, 2024

APPEAL DEADLINE: April 9, 2024 at 5:00 PM.

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

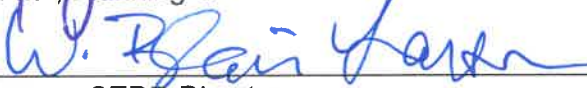
Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

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



Jeff Parker, Planning Commission Chair

3/26/2024
Date



Blair Larsen, CEDD Director

3/25/2024
Date

Exhibit A to Order of Conditional Approval for SD23-01

Findings of Fact in Sections III of the Staff Report presented to the Planning Commission for SD23-01:

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.

17.58.030 STANDARDS FOR LOTS OR PARCELS

The following standards shall apply to all partitions and subdivisions.

- A. Minimum lot area.** Minimum lot area shall conform to the requirements of the zoning district in which the parcel is located. Access easements, or the access strip to a flag lot, shall not be included in the calculation of lot area for purposes of determining compliance with any minimum lot size provision of this Development Code.

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet.

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

- B. Lot width and depth.** The depth of a lot or parcel shall not be more than three times the width. Lots or parcels created for commercial, industrial or public uses shall be exempt from width to depth ratio provisions.

Applicant Comments: Part IV, Page 1: Addressed in Narrative Part V and on the Tentative Plat.

Staff Findings: Based on the submitted site plans (attachment B), no depth of a lot or parcel exceeds three times the width of the parcel.

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

- C. Access.** All new lots or parcels shall access a public street. Except that, residential lots or parcels may be accessed by a private access easement developed in accordance with the provisions of Chapter 17.42 when it is determined that a public street access is:
1. Infeasible due to parcel shape, terrain, or location of existing structures;
 2. Unnecessary to provide for the future development of adjoining property.
 3. No more than 10% of the lots within a subdivision may be accessed by a private street or private access easement.

Applicant Comments: Part IV, Page 1: All proposed lots are accessed by public street.

Staff Findings: Based on the submitted site plans (attachment B), all new lots or parcels shall access a public street. No lot within the subdivision is accessed via a private street or private access easement.

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

- D. Flag lots.** Flag lots shall be subject to the following development standards:
1. The access strip shall be a minimum of 20 feet in width. The improved surface shall be a minimum of 14 feet in width.
 2. The access strip shall not be included in the lot area calculation.
 3. If the length of the access strip exceeds 150 feet, the parcel or lot shall include a turn-around area per applicable fire district requirements.

Applicant Comments: Part IV, Page 2: No flag lots are proposed.

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

- E. Through lots.** Through lots shall be avoided except where essential to provide separation of residential development from traffic arteries, adjacent non residential activities, or to

overcome specific disadvantages of topography. Screening or buffering, pursuant to the provision of Chapter 17.54, may be required during the review of the land division request.

Applicant Comments: Part IV, Page 2: No through lots are proposed.

Staff Findings: Based on the submitted site plans (attachment B), the applicant has proposed one through lot, Lot 14, in Phase 4. There is a proposed fire turn-around (hammerhead) at the rear of Lot 14 along C Street, making the front of Lot 14 along B Street.

F. Lot side lines. The side lines of lots, as far as practicable, shall run at right angles to the public street, private street or private access easement upon which the lot or parcel faces.

Applicant Comments: Part IV, Page 2: Complies, as shown on Tentative Plat, Series 'E' Exhibits.

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

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

G. Utility easements. Utility easements shall be provided on lot areas where necessary to accommodate public utilities. Easement width shall conform to adopted Engineering Standards.

Applicant Comments: Part IV, Page 2: A 7' wide UE will be provided parallel to all street frontages as shown on Tentative Plat Exhibits.

Staff Findings: Based on the submitted site plans (attachment B) the applicant has proposed public utilities to be located in the public right-of way and utility easements throughout the subdivision. (Attachment B, Exhibits F through F-9).

17.58.040 ADDITIONAL STANDARDS FOR SUBDIVISIONS

A. General. The length, width, and shape of blocks shall be designed with regard to providing adequate building sites for the use contemplated; consideration of needs for convenient access, circulation, control, and safety of street traffic - including pedestrian and bicyclist - and recognition of limitations and opportunities of topography.

Applicant Comments: Part IV, Page 2: Generally blocks are aligned with existing north-south street rights of way in order to continue the existing street pattern. The proposed street pattern and block layout provides pedestrian and bicycle access and continuity as well as vehicle access to existing streets.

Staff Findings: The subject lots are zoned Residential Low Density (R-1). The minimum lot area in the R-1 Zone is 7,000 square feet. Based on the submitted site plans (attachment B), the proposed lot sizes shall range in size from approximately 7,029 square feet to approximately 28,907 square feet. The lot sizes provide adequate building sites for single-family dwellings and duplexes. Based on the submitted site plans (attachment B), the applicant has proposed local street widths of 40 feet for A Street, and 45 feet for B Street, C Street, D street, 44th Avenue, 45th Avenue, and 46th Avenue. The existing Coulter Lane is 40 feet. The applicant has proposed a 7-foot sidewalk and curb width for pedestrian traffic. Staff finds that the length, width and shape of the blocks provide adequate building sites and the applicant considered safe pedestrian and bicyclist traffic, convenient access and traffic circulation.

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

B. Sizes. Blocks shall not exceed 1,000 feet in between street lines with a preferred length of 500 feet. Exceptions are permitted for blocks adjacent to arterial streets, or, if the previous development pattern or topographical conditions justify a greater length. The recommended minimum distance between collector street intersections with arterial streets is 1,800 feet.

Applicant Comments: Part IV, Page 2 and 3: Generally blocks are aligned with existing north-south street rights of way. No block length exceeds 1000'. Where matching the existing street pattern creates block lengths exceeding 500' a mid-block pedestrian/bicycle accessway is proposed. No block width between new streets exceeds 500. No collector or arterial streets are transportation system planned to serve the applicant's property or the vicinity.

Staff Findings: Based on the submitted site plans (attachment B), the length of the subdivision blocks ranges from approximately 371 feet to approximately 567 feet. The width of the subdivision blocks ranges from approximately 82 feet to approximately 200 feet.

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

C. Traffic circulation. The subdivision shall be laid out to provide safe, convenient, and direct vehicle, bicycle and pedestrian access to nearby residential areas; neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers; and provide safe, convenient and direct traffic circulation. At a minimum, "nearby" means the distance from the subdivision boundary – 1/4 mile for pedestrians, and one mile for bicyclists.

Applicant Comments: Part IV, Page 3: The proposed subdivision layout provides connectivity to all existing street rights of way in order to facilitate the desired connectivity.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480.

D. Connectivity. To achieve the objective in "C. Traffic Circulation" above, The City may require the following:

- 1. Stub-end streets. Where the potential exists for additional residential development on adjacent property. The City may require reserve strips and streets plugs to preserve the objectives of street extensions.**
- 2. Accessways. Public accessways to provide a safe, efficient and direct connection to cul-de-sac streets, to pass through oddly shaped or blocks longer than 600-feet, to provide for networks of public paths creating access to nearby residential areas, neighborhood activity centers (e.g., schools and parks); shopping areas; and employment centers.**

Applicant Comments: Part IV, Page 3: The applicant concurs and in preparing the accompanying Exhibits has attempted to locate street connectivity and pedestrian/bicycle accessways where appropriate. Please note, in Phase 4 the 46th Avenue right of way is not continuous to the southerly property line. This is because of the significant steep slopes along the southeast boundary of the property.

Staff Findings: Per the CEDD Engineering comments in Section II above: A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit 'E-2', east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan.

All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: the eastern end of C Street, the eastern end of A Street, the eastern end of Coulter Lane, and the southern end of 46th Avenue.

E. Collector and arterial connections. Accessway, bikeway, or sidewalk connections with adjoining arterial and collector streets shall be provided if any portion of the site's arterial or collector street frontage is over 600 feet from either a subdivision access street or other accessway. The placement of an accessway may be modified or eliminated if natural features (e.g., adverse topography, streams, wetlands) preclude such a connection.

Applicant Comments: Part IV, Page 3: Not applicable.

Staff Findings: Based on the submitted site plans (attachment B), A Street, C Street, and Coulter Lane will connect to 43rd Avenue. 44th Avenue extends from A Street to Coulter Lane. 45th Avenue and 46th Avenue will be extended from the north property boundary to D Street. The applicant has proposed 7-foot-wide sidewalks and curbing throughout the subdivision design.

F. *Design standards. Pedestrian/bicycle accessways shall meet the following design standards:*

- 1. Minimum dedicated width: 10 feet**
- 2. Minimum improved width: 8 feet**
- 3. The accessway shall be designed to prohibit vehicle traffic.**

Applicant Comments: Part IV, Page 3 and 4: The applicant concurs. The required accessway width is reflected on the Tentative Plat drawings. Compliance with the improvement standards will be assured under 17.58.070.A.

Staff Findings: No pedestrian or bicycle accessways are shown on the submitted site plans (attachment B).

17.58.060 IMPROVEMENT REQUIREMENTS - SUBDIVISION

A. *Improvements.* The following improvements shall be required for all subdivisions:

- 1. *Frontage improvements.* Half-street improvements designed to The City's Engineering Standards shall be required for all public streets on which a proposed subdivision fronts. Additional frontage improvements shall include: sidewalks, curbing, storm sewer, sanitary sewer, water lines, other public utilities as necessary, and such other improvements as The City shall determine to be reasonably necessary to serve the development or the immediate neighborhood.**

Applicant Comments: Part IV, Page 4: Exhibits 'H', 'H-1', and 'H-2' establish the street frontage improvements proposed in this application and which meet this standard. Utilities will be constructed as indicated on the Grading and Utilities Plans, 'F' series Exhibits.

- 2. *Project streets.* Streets within the subdivision shall be constructed as required by City Engineering Standards.**

Applicant Comments: Part IV, Page 4: The applicant concurs.

- 3. *Monuments.* Monuments shall be established as required by the Engineering Design Standards.**

Applicant Comments: Part IV, Page 4: The applicant concurs, such monuments will be shown on the final subdivision plat.

- 4. *Surface drainage and stormwater system.* Drainage facilities shall be provided within the subdivision and to connect the subdivision drainage to drainageways or to storm sewers outside the subdivision. Design of drainage within the subdivision shall be constructed in accordance with the Engineering Design Standards. In the circumstance where existing stormwater lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.**

Applicant Comments: Part IV, Page 4: The applicant concurs, a Conceptual Stormwater Drainage Facilities Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'.

Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing stormwater facilities on the applicant's property.

5. **Sanitary sewers.** Sanitary sewer shall be installed to serve the subdivision and to connect the subdivision to existing mains both on and off the property being subdivided conforming to Engineering Design Standards. The City may require that the developer construct sewage lines of a size in excess of that necessary to adequately service the development in question, where such facilities are or will be necessary to serve the entire area within which the development is located when the area is ultimately developed. The City may also require that the construction take place as an assessment project with such arrangement with the developer as is desirable to assure his share of the construction. In the circumstance where existing sanitary sewer lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 4 and 5: The applicant concurs, a Conceptual Sanitary Sewer Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A. There are no existing sanitary sewer lines on the applicant's property.

6. **Water system.** Water lines with valves and fire hydrants serving the subdivision and connecting the subdivision to The City mains shall be installed in conformance with the Engineering Design Standards. The design shall take into account provisions for extension beyond the subdivision to adequately grid The City system and to serve the area within which the development is located when the area is fully developed. However, The City will not expect the developer to pay for the extra cost of mains exceeding eight inches in size. In the circumstance where existing water lines are adjacent to or within the project, a system development charge is required in accordance with The City's adopted System Development Charge ordinance.

Applicant Comments: Part IV, Page 5: The applicant concurs, a Conceptual Water System Layout is shown on the Preliminary Grading and Utilities drawings, Exhibit series 'F'. Compliance with Engineering Design Standards will be assured under 17.58.070.A.

7. **Sidewalks.** Sidewalks shall be installed along both sides of each public street and in any pedestrian ways within the subdivision. Sidewalks shall be constructed at time of development of the subdivision.

Applicant Comments: Part IV, Page 5: The applicant concurs where development occurs on both sides of each public street. Where development occurs on only one side of a new public street the off-side planter strip and sidewalk shall be the responsibility of the adjacent property owner under a future development application. Please see Exhibit 'H-2'.

8. **Street lights.** The installation of street lights is required at locations, and of a type required by City standards.

Applicant Comments: Part IV, Page 5: The applicant concurs.

9. **Street signs.** The installation of street name signs and traffic control signs is required at locations determined to be appropriate by The City and shall be of a type required by City standards.

Applicant Comments: Part IV, Page 5 and 6: The applicant concurs.

10. Other requirements.

- a. Curb cuts and driveway installations are not required of the developer at the time of development, but if installed, shall be according to The City standards.
- b. Street tree planting is not required of the developer, but, if planted, shall be according to City requirements and of a species compatible with the width of the planting strip and underground facilities. At least one tree will be located in the planting strip. An additional tree shall be planted either in the planting strip or yard adjacent to the street or streets. Trees must be planted and viable prior to occupancy.

Applicant Comments: Part IV, Page 6: The applicant concurs. The applicant proposes street tree planting as shown on Exhibit 'I'.

B. Completion of improvements. All improvements required under this Chapter shall be completed to City standards, or assured through a performance bond or other instrument acceptable to the City Attorney, prior to the approval of the Final Plat of the subdivision. In no case shall the bond exceed 5% of the remaining project improvements as determined by the City Engineer.

Applicant Comments: Part IV, Page 6: The applicant concurs.

Staff Findings: Per the CEDD Engineering comments in Section II above: This development will require a traffic impact study. An increase of 300 trips is the threshold at which a study is required. Considering all phases of development, average daily trips would increase by a minimum of approximately 1480. A 1-foot-wide reserve strip should be dedicated to the city at the end of each incomplete street, and all hammerhead style fire-department turnarounds should be constructed as temporary measures. It appears that this applies to exhibit 'E-2', east end of: A Street, B Street, C Street, D Street, and Coulter Lane. Any additional hammerheads that are being put in place until a subsequent phase of street construction is initiated, as indicated in the plan. All streets that will not be extended in a subsequent phase of construction should end with a cul-de-sac, as opposed to a hammerhead. The streets that were identified as streets that will not be extended in a subsequent phase of construction are as described: eastern end of 'C' Street, eastern end of 'A' Street, eastern end of Coulter Lane, and southern end of 46th Avenue.

Streetlights will need to be installed at the appropriate locations. All new streetlights in subdivisions shall be aluminum material with an anchor pier. The light fixture itself shall be a LED luminaire and shall conform to Oregon PUC rules.

Per the Public Works Engineering comments in Section II above: The waterline on 43rd Avenue will allow the proposed tie-in shown in the design. The waterline entering the subdivision from the 43rd Avenue 16-inch water main tap will need to be an 8-inch c900 PVC line. The 8-inch PVC waterline serving the subdivision will need to be looped and tied back into our existing 8-inch ductile iron water main on 46th Avenue. The design calls for a sanitary sewer tie-in on 43rd Avenue, into an existing 10-inch line, however, the existing sewer line on 43rd Avenue is only an 8-inch concrete line. The design also shows the existing sewer on Coulter Lane being a 6-inch concrete line, and it is an 8-inch concrete line. The existing sewer line size on Coulter Lane will be sufficient, but the 43rd Avenue 8-inch line will need to be upsized to a 10-inch 30/34 PVC from the A Street tie-in, north to Long Street, where it will tie into our existing 12-inch line. Where subdivision storm water system outlets into the 43rd Avenue ditch, we would need to see an engineered storm water development report that shows pre and post development run-off rates, to ensure the existing 43rd Avenue ditch has appropriate capacity.

Staff shall recommend a conditional of approval that the applicant comply with all improvement requirements listed in SHMC 17.58.060.

17.110.040 SUBMITTAL REQUIREMENTS

The following submittal requirements shall apply to all Preliminary Plat applications for subdivisions or Planned Development.

- A. All applications shall be submitted on forms provided by The City along with the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section. The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria.**
- B. Applicants for subdivisions shall submit one 11" x 17" copy of the preliminary plan along with one digital copy. The preliminary plan shall include the following:**
 - 1. General Information.** The following general information shall be shown on the tentative plan:
 - a. Vicinity map showing all streets, property lines, streams, flood plain and other pertinent data to locate the proposal.
 - b. North arrow and scale of drawing.
 - c. Tax map and tax lot number or tax account of the subject property.
 - d. Dimensions and size in square feet or acres of the subject property.
 - e. Name of the Subdivision or Planned Development.
 - 2. Existing conditions.**
 - a. Location of all existing easements within the property.
 - b. Location of City utilities (water, sanitary sewer, storm drainage) within or adjacent to the property proposed for use to serve the development.
 - c. The location and direction of water courses or drainage swales on the subject property.
 - d. Existing use of the property, including location of existing structures. It should be noted whether the existing structures are to remain or be removed from the property.
 - e. Direction of drainage and approximate grade of abutting streets.
 - f. Proposed streets, approximate grade, and radius of curves.
 - g. Any other legal access to the subdivision other than a public street.
 - h. Contour lines related to an established bench mark on City datum, having the following minimum intervals:
 - 1) Areas with less than 5% slope: One-foot contours
 - 2) Areas with slope between 5% and 10%: Two-foot contours.
 - 3) Areas with slope greater than 10%: Five-foot contours.
 - 3. Proposed plan.**
 - a. Locations, approximate dimensions and area in square feet of all proposed lots. All lots shall be numbered consecutively.
 - b. Location, width and purpose of any proposed easements.
 - c. All areas to be offered for public dedication.
 - d. If any portion of the property is not proposed to be included in the subdivision or any public dedication, that portion shall be identified as a remnant parcel. A draft subdivision or development plan shall be included showing how the proposed subdivision will provide needed access and utilities to serve future development of the remnant parcel.
 - e. Proposed phasing.

Staff Findings: The applicant submitted Application SD23-01 on December 12, 2023. Staff deemed the application complete on December 20, 2023.



March 26, 2024

Cordle Construction

RE: City File SD23-01 and PLA23-05
Map 13S01E33D Tax Lot 2800/3502

On March 21, 2024, the Planning Commission heard your request to subdivide an approximately 41.03 acres (1,787,269 square feet) property into 161 total lots over the span of four phases. The property is located on Linn County Assessor's Map 13S01E33D Tax Lots 2800 and 3502. Application SD23-01 was reliant on the approval of PLA23-05 and were filed simultaneously. The Commission approved application SD23-01 on March 21, 2024.

Application PLA23-05 was approved by the Community and Economic Development Director on March 25, 2024.

As part of the approval, the Director and the Commission included conditions of approval to the requests. Please see the enclosed Orders which list the Findings of Fact and Conditions of Approval. The criteria that the decisions were based upon can be found in the Staff Reports presented to the Commission on March 21, 2024 and the Director on March 25, 2024. Copies of the Staff Reports are available for review at City Hall.

An appeal of the Planning Commission decision to the City Council and an appeal of the Administrative Decision to the Planning Commission can be submitted within 12 days from the date the decision was mailed. If you wish to appeal the decision, please contact me for the appropriate forms and to submit an application including the appeal fee.

The subdivision decision will be void after two years if the use has not been substantially established. If you are unable to begin development or establish the use by March 21, 2025, please submit a written request for an extension prior to February 21, 2025. Requests for extension of approval time shall be submitted, in writing, 30 days prior to the expiration date of the approval [SHMC 17.90.050(B)].

Please contact me at (541) 367-8113 if you have any questions regarding the Director's or Commission's decision on your development project.

Regards,

Diane Golden
Associate Planner

Cc: City Planning File No. SD23-01 and PLA23-05

**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 private micro-farm school on the subject property. The proposal would begin with a preschool operated within the existing residence and would expand into the property's accessory buildings as the school grows.

Pursuant to SHMC Chapter 17.10.040(K), a conditional use permit is required for uses that are compatible with the intent of the zoning district and whose impacts do not exceed those of other conditionally permitted uses identified in Chapter 17.10.

The subject property, identified as Tax Lot 1500, is approximately 317,988 square feet (7.3 acres) and is located within the Residential Low-Density (R1) Zone.

APPLICANT AND

PROPERTY OWNER: Barbara and Rex Dunn

FILE NUMBER: CU26-02

PROPERTY LOCATION: 4290 Airport Rd, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 33A, Tax Lot 1500.

REVIEW AND

DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.10.040(K), 17.104, 17.126

HEARING DATE & TIME: September 3, 2026, at 6:30 PM

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

STAFF CONTACT: Angela Clegg, Planning & Building Manager
Phone: (541) 818-8029; Email: aclegg@sweethomeor.gov

REPORT DATE: August 27, 2026

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

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

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0914G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

Wetlands: Based on a review of the Statewide 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 on Airport Road.

Services: The subject property has access to City water and sewer services in Airport Road.

TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: July 23, 2026

Notice Published in Newspaper: July 29, 2026

Planning Commission Public Hearing: August 20, 2026

120-Day Deadline: November 20, 2026

Notice was provided as required by SHMC 17.126.01

II. COMMENTS

Jaysen Cunningham Building Dept:

A change of occupancy will be required for the portion of the home being used as a Micro-Farm School. Other than that, no other comments at this time.

Matt Cook CEDD Engineering:

CEDD Engineering has no comment at this time. Property is tied into an 8" concrete sewer main on Airport/43rd Ave, with access to a 16" PVC water main in the same location.

Dominic Valloni & Balke Patterson Public Works Dept.

No comments from Public Works.

Public Comments: No comments as of the issuance 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.

17.104.050 DECISION CRITERIA

A Conditional Use shall be approved if the applicant provides supporting evidence that all the requirements of this Development Code relative to the proposed use are satisfied, and demonstrates that the proposed use also satisfies the following criteria:

A. The use is listed as a conditional use in the underlying district and complies with the development requirements of the underlying zone.

Applicants Comment: A Private School is listed as a conditional use in the underlying district and permits the addition of more children than we now qualified for as a preschool. As

stated in Chapter 17.10.040-F, Public and Private schools do require approval of a Conditional Use Permit.

Staff Findings: The subject property is located within the Residential Low Density (R-1) zone. Private schools are identified as a conditional use in the R-1 zone and must obtain approval through the Conditional Use Permit process, as outlined in Chapter 17.10.040(F).

The applicant's proposal to operate a private school meets this description and is consistent with the development requirements of the underlying zone.

B. The characteristics of the site are suitable for the proposed use considering size, shape, location, topography, and location of improvements and natural features.

Applicants Comment: The characteristics of our property is very suitable for the proposed Private Farm school. We plan on starting with a Christian, Farm preschool using Montessori Method. As interest and funding grow, we plan on adding a small elementary and secondary school in our two existing shops, brought up to code of course, creating a Private Micro School. For a school of this caliber we feel Sweet Home, and our location specifically, is a perfect place to start. We have 7 acres of flat land, of which 2 acres are in yard, gardens and an orchard. About 5 acres are in pasture with a small barn attached. We are in a good location being inside the city limits, and our property is easily accessible and convenient for families dropping off a child for school close to home. Our home is a cozy single-story ranch style home with a covered patio for outside learning and play on wet days. We plan to create a children's garden for exploration of planting, growing and harvesting. As well, we will add small farm animals to our small flock of chickens. We would love to include a small farm stand near the fence to the right of our home and far back from the road for the children and parents to sell the produce we grow, encouraging entrepreneurship and a way for the community to be involved and support our children's education. The stand will only be open hours when school is not in session. Perhaps evenings and weekends.

Staff Findings: The R-1 zone establishes minimum dimensional standards for development, including a 7,000-square-foot lot area, a minimum lot width of 70 feet, required setbacks, and a maximum lot coverage of 40 percent. The subject property is approximately 317,988 square feet and is improved with a single-family dwelling and several accessory structures totaling 8,501 square feet of building footprint, resulting in a lot coverage of approximately 3 percent. The site therefore exceeds all minimum dimensional requirements of the underlying zone.

The applicant proposes to establish a private micro farm school on the property, beginning with a preschool within the existing dwelling and expanding into accessory structures as enrollment and programming grow. Only a portion of the dwelling would be used for classroom space, and any change of occupancy required under building code would be addressed through the appropriate permitting process.

Given the site's size, flat topography, existing improvements, and location within city limits, the property is well suited to accommodate the proposed private school use. Adequate space exists for outdoor learning areas, gardens, small-scale farm animal husbandry, and future expansion into existing accessory buildings. The site is easily accessible and provides appropriate space for student drop-off and pick-up.

Staff recommend a condition of approval requiring that any introduction of farm animals comply with the standards in SHMC Title 6 (Attachment C). Staff also recommend a

condition of approval that any farm stand or on-site sales of products adhere to SHMC Chapter 17.94 (Attachment D).

With these conditions, staff find that the size, shape, location, topography, and natural features of the subject property are adequate to accommodate the proposed use. Staff conclude that the application satisfies the applicable criteria.

C. The proposed development is timely, considering the adequacy of transportation systems, public facilities and services, existing or planned for the area affected by the use.

Applicants Comment: Our Private Farm School is extremely timely with the growth of Sweet Home, especially with relation to the homes in our neighborhood and with the current interest in alternative forms of education. We are ideally positioned in a neighborhood of family homes. With a substantial housing development nearby in process of being completed and having the basic infrastructure already in place. It seems we are well located to serve the families in this growing area of Sweet Home. And we intend on becoming an asset to our neighborhood and our city.

In order for there to be as little disruption to the flow of traffic in our neighborhood we would ask that the parents approach the school from Airport Road to the East and depart onto 43rd Street to the South of the school. School hours will be from 8:00 am until 3:00 pm, Monday through Friday which are some of the least busy hours of traffic in our area. Low traffic is due I believe, in part to Public School busses running earlier in the morning and neighbors getting home from work around 5, or later.

Staff Findings: The applicant is requesting a Conditional Use Permit to establish a private micro farm school on the subject property. The proposal would begin with a small preschool operating within the existing residence, with future expansion into accessory buildings as enrollment increases.

Any growth beyond the initial in-home preschool or expansion into accessory structures is likely to trigger Site Development Review. Staff recommend a condition of approval requiring that any increase in the number of students or any use of accessory buildings for school purposes be reviewed through the appropriate land use process prior to implementation.

The applicant has indicated that accessory structures may be utilized for future phases of the school. Staff have clarified that such use would require building permits and a change of occupancy classification. To ensure compliance and clarity as the school grows, staff recommend a condition of approval requiring that all future expansions be reviewed and permitted as necessary.

Regarding transportation and public services, preschools are not eligible for school zone designations. Traffic flow to and from the site, particularly at the intersection with Airport Road and 43rd Avenue, has not yet been fully addressed. The applicant has not indicated whether traffic control measures such as a stop sign or yield sign are proposed at the driveway entrance. Additional detail from the applicant may be necessary to evaluate potential traffic impacts associated with student drop-off and pick-up.

The applicant stated that parents would be directed to approach the site from Airport Road and exit onto 43rd Avenue, and that school hours (8:00 a.m. to 3:00 p.m., Monday through Friday) align with lower-traffic periods in the neighborhood. This circulation pattern may help minimize congestion and conflict with peak residential or school bus traffic.

The surrounding area has adequate existing infrastructure, and improvements are already in place to support development in this part of Sweet Home. Based on available information, the proposed use appears timely and compatible with the existing transportation network and public services, provided the recommended conditions are met.

With the listed conditions of approval, staff conclude that the application complies with the applicable criterion regarding timeliness and adequacy of transportation systems, public facilities, and services.

D. The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs, or precludes the use of surrounding properties for the primary uses listed in the underlying zone.

Staff Findings: The proposed private micro farm school would operate within an existing residence on a large, 7-acre property located in the R-1 zone. The surrounding area is characterized primarily by single-family residential uses. The initial scale of the preschool, limited to a portion of the existing dwelling, is compatible with the residential character of the neighborhood and does not introduce activities that would substantially limit or impair surrounding properties' ability to continue functioning as single-family homes.

Future expansions into existing accessory buildings or increases in student enrollment will be subject to additional review to ensure ongoing compatibility with the neighborhood.

Recommended conditions of approval require that any expansion beyond the initial in-home preschool be reviewed through the appropriate land use process, ensuring that impacts remain consistent with residential expectations and do not alter the fundamental character of the area.

The proposed use does not involve new construction, significant exterior modifications, or changes to the site that would visually or functionally conflict with surrounding residential properties. Outdoor learning activities, small-scale gardening, and limited farm animal husbandry are consistent with low-density residential uses, particularly given the property's size and existing layout. Conditions regarding animal compliance (SHMC Title 6) and farm stand operations (SHMC Chapter 17.94) further ensure that such activities remain small-scale and compatible with nearby homes.

Traffic associated with the proposed preschool is expected to remain modest and occur during off-peak hours. The applicant intends to direct parent circulation in a manner that minimizes conflicts with neighborhood traffic patterns. While additional information may be needed regarding driveway control measures, the anticipated level of activity at the scale proposed is not expected to impede neighboring residential uses.

Based on the size of the property, the nature of the proposed use, and the recommended conditions of approval, staff finds that the private micro farm school will not alter the character of the surrounding residential area in a manner that substantially limits, impairs, or precludes the use of adjacent properties for permitted residential uses. Staff conclude that the application complies with these criteria.

E. 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.

Applicants Comment: The only negative impacts of a Private Farm School in our location that I could foresee would be an increase in the number of parents with children walking or bicycling to our school. We may need a crosswalk or a bike lane to the South down 43rd Street. And a school zone would be a nice addition also, although we are on a corner and driving speed must necessarily slow near our home/school.

Staff Findings: The proposed private micro farm school is expected to operate at a modest scale within an existing residence on a large residential property. Based on the nature of the proposed use and the characteristics of the site, staff have not identified negative impacts to adjacent properties or to the public. The project does not involve new construction, significant exterior alterations, or activities that would generate noise, traffic, or visual impacts beyond what is common within a low-density residential neighborhood.

The applicant has suggested that future improvements such as a crosswalk or bike lane along 43rd Avenue, as well as a school zone designation, may benefit safety and accessibility. This requested conditional use is not eligible for school zone dedications under current standards. Additionally, installation of public infrastructure, such as crosswalks or bike lanes, would require separate review, engineering feasibility, and City approval, and cannot be imposed through this land-use decision. Staff note that the applicant's desired traffic safety measures may be revisited in the future if the school grows or transitions into an eligible educational use.

To ensure continued compatibility and compliance, staff have included several conditions of approval. These include requirements that any future increase in student enrollment or use of accessory buildings be subject to appropriate land use review; that the introduction of farm animals comply with SHMC Title 6; and that any farm stand or on-site sales meet the standards in SHMC Chapter 17.94. These conditions provide mechanisms to prevent or mitigate any potential impacts as the school develops.

Traffic associated with the proposed preschool is expected to remain modest. The applicant intends to direct parents to approach from Airport Road and exit via 43rd Avenue, which may reduce congestion and conflicts with peak neighborhood traffic. Any additional mitigation needed in the future can be addressed through subsequent review processes tied to expansion.

With these mitigation measures and conditions in place, staff find that any potential negative impacts associated with the proposed use can be adequately addressed through existing code standards or reasonable conditions of approval. Staff conclude that the application satisfies Criterion E.

17.104.060 CONDITIONS OF APPROVAL

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.

A. These conditions may include, but are not limited to, the following:

1. *Requiring larger setback areas, lot area, and/or lot depth or width;*
2. *Limiting the hours, days, place and/or manner of operation;*
3. *Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;*
4. *Limiting the building height, size or lot coverage, or location on the site;*
5. *Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;*
6. *Increasing the number of required parking spaces;*
7. *Requiring street rights-of-way 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;*
8. *Limiting the number, size, location, height and lighting of signs;*
9. *Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;*
10. *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;*
11. *Designating sites for open space or outdoor recreation areas;*
12. *Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;*
13. *Requiring ongoing maintenance of buildings and grounds;*
14. *Setting a time limit for which the conditional use is approved.*

B. Uses existing prior to the effective date of this Chapter and classified in Title 17 as a conditional use shall meet the criteria for modification of approved plans and developments.

C. The Planning Commission may require the applicant of an approved conditional use permit to enter into an agreement with The City for public facility improvements.

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

IV. CONCLUSION AND RECOMMENDATION

If the Planning Commission approves this application, staff recommend 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 CU26-02:

1. Any introduction of farm animals shall comply with the standards in SHMC Title 6.

2. Any farm stand or on-site sales of products shall comply with SHMC Chapter 17.94.
3. A change of occupancy shall be obtained for the portion of the residence designated for Micro-Farm School use prior to opening the school.
4. Any increase in student capacity, addition of grade levels beyond preschool, or use of accessory buildings for school activities must undergo review through the appropriate land-use process before the change is implemented.

V. 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 IV.

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 recommend 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 CU26-02; 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 application CU26-02; 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.

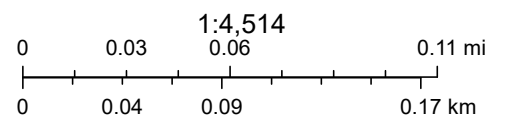
VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plans
- C. SHMC Title 6
- D. SHMC Chapter 17.94
- E. Application Narrative

CU26-02 SUBJECT PROPERTY MAP

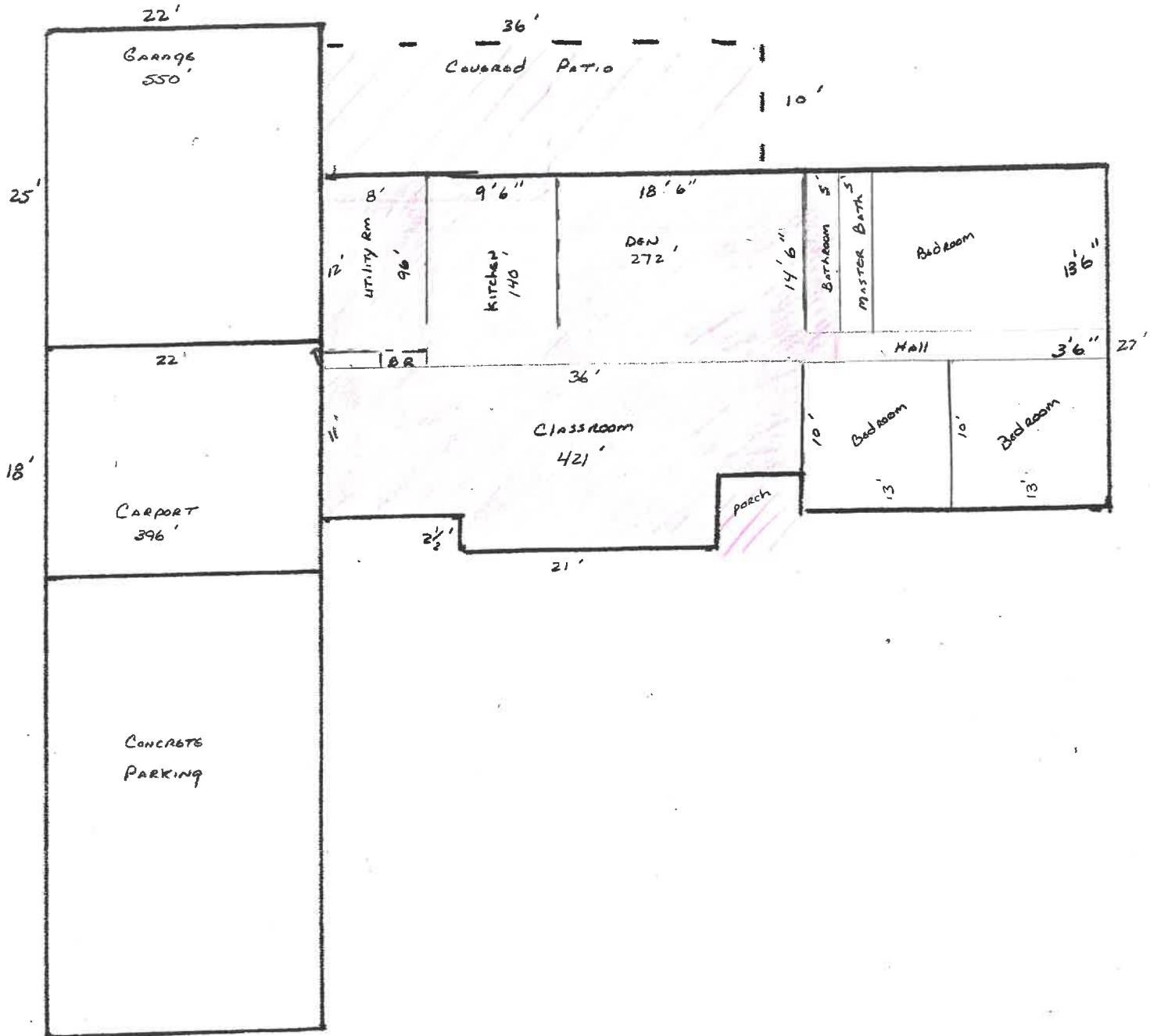
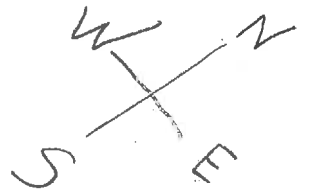


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Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Home 4290 AIRPORT Rd

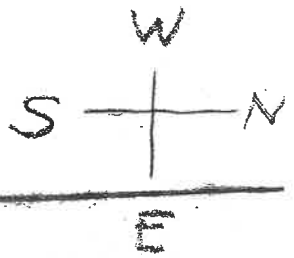


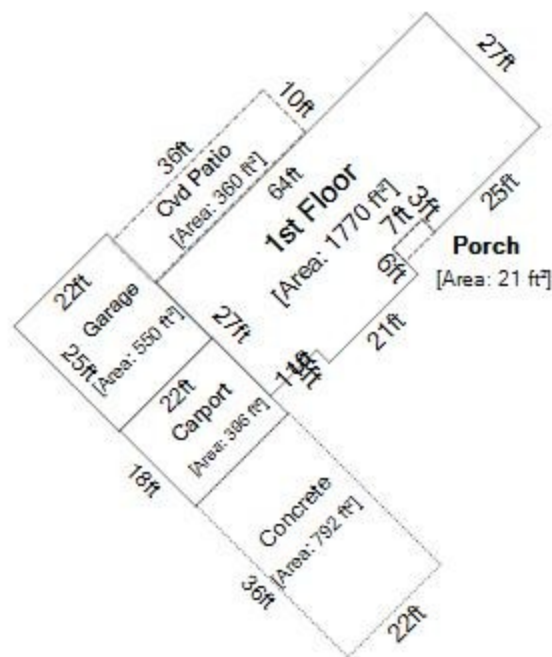
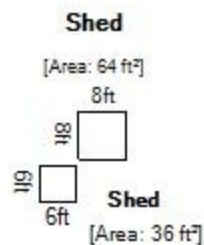
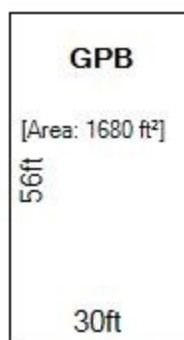
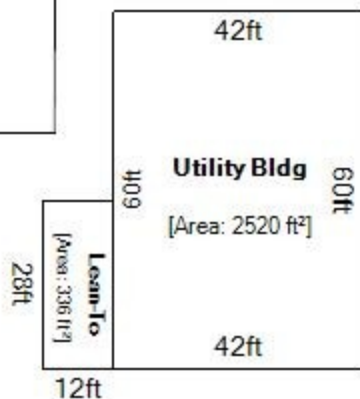
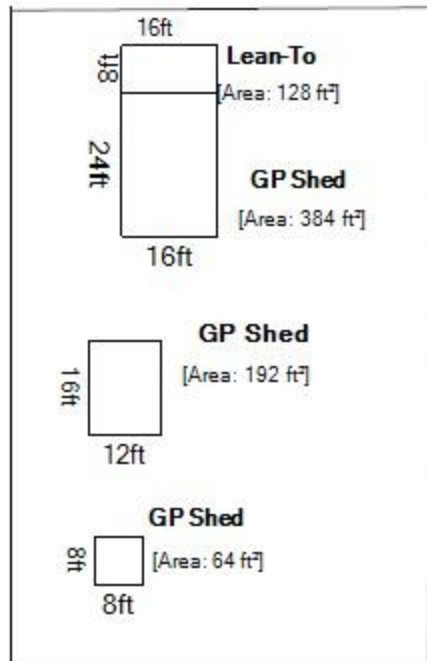
Key
- children's area

4290 AIRPORT Rd

816' To Back property Line

Property Line





4290 Airport Road
Acc #2615

TITLE 6 ANIMALS**CHAPTER 6.04 ANIMALS AND BIRDS GENERALLY****CHAPTER 6.08 DOGS****CHAPTER 6.12 WILD, EXOTIC OR DANGEROUS ANIMALS****CHAPTER 6.04 ANIMALS AND BIRDS GENERALLY****6.04.010 COMMUNICABLE DISEASES****6.04.020 ANIMALS AND BIRDS****6.04.030 REMOVAL OF ANIMAL OR BIRD CARCASSES****6.04.040 PLACING POISON FOR ANIMALS OR BIRDS****6.04.060 PENALTIES****6.04.070 MORATORIUM****6.04.010 COMMUNICABLE DISEASES**

No person shall permit any animal or bird owned or controlled by him or her to be at large within the city if the animal or bird is afflicted with a communicable disease.

(Ord. 1224, § 1, 2011; Ord. 955, 1986)

6.04.020 ANIMALS AND BIRDS

A. No person shall keep any animal or bird, wild or domesticated, in the city, except as permitted by city ordinance, state law and federal law.

B.

1. Domesticated animals and birds may be kept in the city as allowed by the provisions of this chapter. A pet is a household animal kept for companionship and a person's enjoyment. Pets may not be allowed to cause a nuisance, as defined by this chapter. The keeping of domesticated animals and birds does not include the operation of kennels, breeding pens and commercial training schools, except where authorized under the provisions of the zoning title and other city code provisions.
2. The following are considered to be household pets:
 - a. Felis Catus (domestic cat).
 - b. Canis Familiaris (domestic dog).
 - c. A fish kept in a tank.
 - d. Any nonpoisonous or nonvenomous reptile, except any crocodilian (includes alligator) that is greater than two feet in length or whose average adult length is greater than two feet, any snake that is greater than six feet or whose average adult length is greater than six feet or any snapping turtle.
 - e. A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage.
 - f. Any amphibian less than one foot in length, such as a frog, toad, or salamander.
 - g. Ant farm.
 - h. Arachnids, including tarantulas.

C.

1. Nuisance, for this chapter, is defined to include any animal or bird covered by this chapter that does any of the following:
 - a. Defecates on the property of a person other than the owner.
 - b. Creates noticeable odors that can be detected off the property where the animal or bird is kept.
 - c. Makes noises that annoy or disturb the comfort, repose or peace of another person.
 - d. Damages the property of a person other than the owner.
 2. Any owner or keeper of an animal or bird including a person who provides care and/or food for the animal or bird, whose animal or bird violates this chapter shall be in violation of this chapter.
- D. Where a person wishes to keep animals or birds other than a pet they may do so, providing the criteria are met for the animal or bird designated in the following subsections.
- E. Horse(s), including donkey(s) and mule(s) and miniatures thereof:
1. There must be one acre exclusively set aside for each horse; and
 2. The overall location at which the horse(s) are residing have at minimum one and one-half acres; and
 3. There must be an enclosed shelter/feeding area for the horse(s); and
 4. There must be adequate fencing to contain the horse(s).
- F. Cow(s) and miniature cow(s):
1. There must be one-half acre exclusively set aside for each cow; and
 2. The overall location at which the cow(s) are residing have at minimum one and one-half acre; and
 3. There must be an enclosed shelter/feeding area for the cow(s); and
 4. There must be adequate fencing to contain the cow(s).
- G. Goat(s) and sheep:
1. There must be one-quarter of an acre exclusively set aside for each goat or sheep; and
 2. The overall location at which the goat(s) or sheep are residing have at minimum three-quarters of an acre; and
 3. There must be an enclosed shelter/feeding area for all goat(s) and sheep; and
 4. There must be adequate fencing or controls to contain the goat(s) and sheep.
- H. Miniature goat(s) and sheep:
1. Miniature goats and sheep must have an area of at least 500 square feet exclusively set aside for each goat or sheep; and
 2. The overall location at which the miniature goat(s) or sheep are residing has at minimum 8,000 square feet; and
 3. There must be an enclosed shelter/feeding area for all goat(s) and sheep; and

4. There must be adequate fencing or controls to contain the goat(s) and sheep.

I. Pig(s) including miniature pig(s) and pot bellied pig(s).

1. There must be one acre exclusively set aside for each pig; and
2. The overall locations at which the pig(s) are residing has at minimum one and one-half of an acre; and
3. There must be an enclosed shelter/feeding area for the pig(s); and
4. There must be a wallow; and
5. There must be adequate fencing or controls to contain the pig(s).

J. Rabbit(s):

1. Rabbit(s) shall only be kept upon property occupied by a detached single family dwelling or a duplex.
2. Property size:
 - a. On properties over one-half acre (21,780 square feet), there shall be no more than 24 rabbits.
 - b. On properties between one-quarter acre (10,890 square feet) and one-half an acre there shall be no more than six rabbits.
 - c. On properties less than one-quarter acre there shall not be more than three rabbits.
3. There must be an enclosed shelter/feeding area for the rabbit(s).
4. There must be adequate fencing to contain the rabbit(s).

K. Chicken(s), duck(s) and geese:

1. Chicken(s), duck(s) and geese shall only be kept upon property occupied by a detached single family dwelling or a duplex.
2. Property size:
 - a. On properties over one-half acre (21,780 square feet), there shall be no more than 24 chickens, ducks or geese.
 - b. On properties between one-quarter acre (10,890 square feet) and one-half an acre there shall be no more than 12 chickens or ducks.
 - c. On properties less than one-quarter acre there shall not be more than six chickens.
3. The keeping of roosters is prohibited within the city limits of Sweet Home.
4. Chickens raised on properties under one-half acre shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in fertilizer production for commercial purposes.
5. There shall be a fully enclosed coop and adequate fencing to contain the chicken(s), duck(s) or geese.
6. Chicken(s), duck(s) or geese and their coop(s) and fenced area(s) shall be located in a side or rear yard on properties less than one-half acre. On properties over one-half a

coop(s) and fenced area(s) may be located in a front yard if such areas are at least 20 feet from front property line.

7. A coop over 200 square feet or ten feet in height must meet the standards for an accessory structure in Sweet Home Municipal Code Title 17, and may require a building permit.
8. A coop and fenced area must be kept clean, free of noticeable odors and in good repair.
9. A coop shall be set back a minimum of ten feet from property lines, unless a greater set back is required.

L. Honey bees:

1. A maximum of five (5) hives may be kept per property or lot; and
2. Anyone keeping five hives must register their hives with the Oregon Department of Agriculture; and
3. Hives must be kept in a side or rear yard at least 10 feet from property lines, unless a fence, wall, or dense vegetation at least six feet in height and extending at least ten feet beyond the hive(s) in each direction separates them from neighboring properties.
4. Bees must have access to a constant source of water within 15 feet of each hive at all times during the months of March through October.
5. Hives must be well maintained so as not to create a nuisance.
6. Any resident or property owner keeping bees on their property must notify all neighbors within 50 feet of the hive(s).

(Ord. 1224, § 1, 2011; Ord. 1203, § 19, 2008; Ord. 955, 1986; Ord. 1282, § 9, 2020)

HISTORY

Amended by Ord. [1300](#) on 12/14/2021

6.04.030 REMOVAL OF ANIMAL OR BIRD CARCASSES

No person shall permit any animal or bird carcass owned by him or her or under his or her control to remain upon the public streets or places for a period of time longer than is reasonably necessary to remove the carcass, and no person who is the owner of or has control over any animal carcass shall permit the carcass to remain on any private property for a period of time longer than is reasonably necessary to dispose of the carcass, but in no case longer than 24 hours.

(Ord. 1224, § 1, 2011; Ord. 955, 1986)

6.04.040 PLACING POISON FOR ANIMALS OR BIRDS

No person shall put out or place any poison where it is liable to be eaten by any domestic animal or bird.

(Ord. 1224, § 1, 2011; Ord. 1203, § 20, 2008; Ord. 886, 1983)

6.04.060 PENALTIES

Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each day's violation of a provision of this chapter shall constitute a separate offense. Any nuisance under this chapter may be abated by

following the procedures set forth in Sweet Home Municipal Code Chapter 8.04 - Abatement Procedure.

(Ord. 1224, § 1, 2011; Ord. 1203, § 22, 2008)

6.04.070 MORATORIUM

For animals and birds covered by this chapter that are kept within the city on or before November 25, 2011, the new area requirement provisions of this chapter do not apply for a period of six months.

(Ord. 1224, § 1, 2011).

CHAPTER 6.08 DOGS

6.08.010 GENERALLY

6.08.020 LICENSE REQUIRED

6.08.030 RUNNING AT LARGE PROHIBITED

6.08.040 NUISANCES--ALLOWING PROHIBITED

6.08.050 NUISANCES--CONDITIONS CONSTITUTING DESIGNATED

6.08.060 WASTE MATTER DEPOSIT AND REMOVAL

6.08.070 IMPOUNDMENT OF DOG

6.08.080 IMPOUNDMENT--CUSTODY AND DISPOSAL

6.08.090 KILLING OF DOG PERMITTED

6.08.100 ABATEMENT

6.08.110 VIOLATION--PENALTY

6.08.010 GENERALLY

- A. No kennel for dogs shall be located in the city. The city dog shelter facility shall not fall under the purview of this section. A kennel is any premises, except a veterinary clinic or pet store, on which four or more dogs more than four months of age are kept.
- B. It is unlawful for the owner of any dog to own, keep or operate a kennel inside the city limits of the city.
- C. **OWNER** means any person or legal entity having a possessory property right in a dog or who harbors, cares for or exercises control over a dog or knowingly permits any dog to remain on premises occupied by that person.
- D. **RUNNING AT LARGE** means off the premises of the owner while the dog is not under complete control of the owner by a leash not exceeding eight feet in length, but the use of such leash shall not be required when said dog is in a vehicle. However, a dog off a leash in obedience, retrieving or field training under the direct supervision of the handler in designated off leash areas in public parks, shall not be considered to be at large.

(Ord. 1260, 2017; Ord. 1033, 1991)

6.08.020 LICENSE REQUIRED

No person shall own a dog that is not licensed in accordance with the provisions of O.R.S. 609.100 and Linn County Dog Licensing Code LLC 560.200 to 560.299.

(Ord. 1260, 2017)

6.08.030 RUNNING AT LARGE PROHIBITED

No owner of a dog shall allow the dog to run at large.

(Ord. 1260, 2017)

6.08.040 NUISANCES--ALLOWING PROHIBITED

No owner of a dog shall allow the dog to be a public nuisance.

(Ord. 1260, 2017)

6.08.050 NUISANCES--CONDITIONS CONSTITUTING DESIGNATED

A. A dog shall be considered a public nuisance under the meaning of this chapter in the following instances:

1. Any dog, that when unprovoked, bites any person or animal, or shows a propensity to do so;
2. Any dog which chases vehicles or, when off the premises of the owner, chases any person or persons;
3. Any dog which damages or destroys property of persons other than the owner of the dog;
4. Any dog which scatters garbage other than that of its owner;
5. Any dog which trespasses on private property, other than its owner's property;
6. Any dog which barks cumulatively for more than 20 minutes during any one-hour period when such barking is audible off the premises of the dog's owner;
7. Any dog which is a female in heat and running at large; or
8. Any dog which habitually escapes from confinement and trespasses on public or private property. Trespass of more than two occasions shall be considered "habitual" under the meaning of this section.

B. The Municipal Court, by written notice, can order the owner of a dog to remove that dog from the city permanently if, upon written complaint made to the Court, the Court finds that the dog is a public nuisance, as herein defined, and that the dog's owner knew or should have known that the dog created the nuisance and permitted that nuisance to continue or to be repeated. The notice shall state the cause for its issuance, order the owner of the dog to immediately confine the dog and, within five days, to remove the dog from the city permanently. The notice shall be sent by certified mail to the owner of the dog and/or shall be posted prominently upon the property on which the dog is kept. After delivery and/or posting of the notice, it is unlawful not to immediately confine the dog or within five days to permit it to be kept anywhere within the city. If an owner does not remove the dog as ordered by the Court, the Municipal Court Judge may have the dog removed from the city at the owner's expense.

C. The Municipal Court Judge can place reasonable restriction on a dog including sterilization, declare a dog a dangerous dog, or order a dog killed by following the procedures in O.R.S. Chapter 609. In addition to any other authority given by law any costs to the city associated with the orders of the court are liens on real property of the owner and a personal obligation of the owner to pay as set forth in § 6.08.100.

D. The Municipal Court Judge can order a dog rehomed within the city.

(Ord. 1260, 2017)

6.08.060 WASTE MATTER DEPOSIT AND REMOVAL

It is unlawful for a dog owner to allow the dog to deposit solid waste matter on any property other than that of the dog owner or where the owner of the dog has permission. It shall be a defense to this section if the dog owner immediately removes the solid waste. (See § 6.04.020 and § 8.04.020 dealing with odors).

(Ord. 1260, 2017)

6.08.070 IMPOUNDMENT OF DOG

When any dog is found running at large, or when a dog is a public nuisance, any police officer, city code enforcement officer, or private citizen may impound it.

(Ord. 1260, 2017)

6.08.080 IMPOUNDMENT--CUSTODY AND DISPOSAL

All dogs taken up and impounded under this chapter may be held and disposed of as provided in O.R.S. 609.090 or LLC 560.430.

(Ord. 1260, 2017)

6.08.090 KILLING OF DOG PERMITTED

- A. A dog may be summarily killed by any person if the dog constitutes an imminent threat to human life.
- B. A police officer may kill a dog when it has been injured and no owner can be determined.

(Ord. 1260, 2017)

6.08.100 ABATEMENT

Abatement of violations of this chapter can be accomplished by any remedy open to the city, including using the procedures for abatement of nuisances set out in §§ 8.04.210 through 8.04.260 for an owner without having to comply with § 8.04.200. If abatement is performed by the city, the cost thereof shall become a lien on the real property of the owner and the personal obligation of the owner as set out in the procedures followed for abatement.

(Ord. 1260, 2017; Ord. 1033, 1991)

6.08.110 VIOLATION--PENALTY

- A. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 as now enacted or hereafter amended. Each day's violation is considered a separate offense.
- B. In addition to any fine ordered by the Court, if an owner is convicted of owning, keeping or operating a kennel, the Court may order that the dogs be taken up so that this chapter is complied with and the dogs disposed of as the Court directs.
- C. Any peace officer or city code enforcement officer has authority to enforce the provisions of this chapter.

(Ord. 1260, 2017; Ord. 1237, § 1 (part), 2013; Ord. 1033, §§ 3, 4, 1991)

CHAPTER 6.12 WILD, EXOTIC OR DANGEROUS ANIMALS

[6.12.010 DEFINITIONS](#)[6.12.020 EXOTIC, WILD OR DANGEROUS ANIMALS](#)[6.12.030 OFFENSE AND NUISANCE](#)[6.12.040 CERTAIN ANIMALS EXEMPT](#)[6.12.050 EXCEPTIONS TO PROVISIONS](#)[6.12.060 ABATEMENT OF EXOTIC, WILD OR DANGEROUS ANIMAL NUISANCE](#)[6.12.070 ENFORCEMENT](#)[6.12.080 INTERFERENCE WITH OFFICERS](#)[6.12.090 VIOLATION--PENALTY](#)**6.12.010 DEFINITIONS**

As used in this chapter, except where context otherwise requires:

CUSTODIAN. Any person who is not an owner of an animal, but who has custody of, harbors (providing either shelter or food or both) or exercises effective control over the animal.

EXOTIC, WILD OR DANGEROUS ANIMAL. The meaning given in § 6.12.020.

OWNER. Any person who exercises possessory rights over any animal.

(Ord. 975, 1988)

6.12.020 EXOTIC, WILD OR DANGEROUS ANIMALS

A. Definition.

EXOTIC, WILD OR DANGEROUS ANIMALS. Any animal which, because of its size, vicious nature, poisonous bite or sting or other characteristic, would constitute a danger to human safety or property.

B. Description. Exotic, wild or dangerous animal includes, but is not limited to:

1. Any cat other than of the species *Felis Catus* (domestic cat);
2. Any nonhuman primate;
3. Any wolf, coyote or other canine not of the species *Canis Familiaris* (domestic dog);
4. Any shark, dogfish or similar carnivorous fish;
5. Any piranha fish;
6. Any poisonous or venomous reptile, any crocodilian (includes alligator) that is greater than two feet in length or whose average adult length is greater than two feet, any snake that is greater than six feet or whose average adult length is greater than six feet or any snapping turtle;
7. Any bat;
8. Any skunk, weasel, badger, fox, mammals of the raccoon family or wolverine;
9. Any boar or wild pig;
10. Any bear;
11. Any kangaroo;
12. Any eagle, hawk, buzzard or similar predatory bird; and/or
13. Any poisonous or venomous insect.

(Ord. 1224, §§ 2, 3, 2012; Ord. 975, 1988)

6.12.030 OFFENSE AND NUISANCE

Except as provided in this chapter, it is unlawful for any person to keep or maintain one or more exotic, wild or dangerous animal within the corporate limits of the city. It is further declared that the keeping or maintenance of such an exotic, wild or dangerous animal is a public nuisance and the nuisance shall be dealt with as set forth in this chapter.

(Ord. 975, 1988)

6.12.040 CERTAIN ANIMALS EXEMPT

Notwithstanding the provisions of § 6.12.030, but subject to any other applicable sections of this chapter and any applicable federal or state law in effect at the time of an alleged offense, if an animal is not identified as an exotic, wild or dangerous animal in § 6.12.020B., then a person may lawfully keep or maintain the animal, subject to the provisions of any other applicable city ordinance if the animal is:

- A. Of the species *Felis Catus* (domestic cat);
- B. Of the species *Canis Familiaris* (domestic dog);
- C. A fish kept in a tank;
- D. Any nonpoisonous reptile;
- E. A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage;
- F. Any amphibian less than one foot in length, such as a frog, toad, salamander or chameleon;
- G. Any livestock;
- H. Any rabbit kept in a cage or hutch;
- I. Any bees kept in a collection of hives or colonies; and/or
- J. Ant farm.

(Ord. 975, 1988)

6.12.050 EXCEPTIONS TO PROVISIONS

- A. The provisions of §§ 6.12.030 and 6.12.040 shall not apply to the keeping of exotic, wild or dangerous animals in the following cases:
 - 1. The keeping of the animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view or for the purposes of instruction or study;
 - 2. The keeping of such animals for exhibition to the public of the animals by a circus, carnival or other exhibit or show;
 - 3. The keeping of the animals in a bona fide, licensed veterinary hospital for treatment; and
 - 4. The keeping of a nonhuman primate that is less than 20 pounds or whose average adult weight is less than 20 pounds and is used and kept as a bonafide medical "assistant" to a disabled person, with prior approval of the City Manager who shall consider "

request after finding that the animal is a bona fide medical “assistant”, can be housed in a safe and proper manner, and will not be a danger to the public. The approval and conditions shall be reviewed at least once a year.

- B. The institution or persons keeping or maintaining exotic, wild or dangerous animals in conformity with subsection A. of this section shall nevertheless comply with all federal and state regulations regarding the maintenance.

(Ord. 975, 1988)

6.12.060 ABATEMENT OF EXOTIC, WILD OR DANGEROUS ANIMAL NUISANCE

- A. Upon receiving information that an exotic, wild or dangerous animal is being kept within the city in violation of the provisions of this chapter, the Chief of Police, any police or animal control officer, the City Attorney, or Assistant City Attorney, may file with the Municipal Judge a petition supported by affidavit setting forth such information, requesting a warrant to impound the animal. If he or she is satisfied that there is probable cause to believe that the nuisance exists, the Municipal Judge may issue a warrant directing the Chief of Police or any police or animal control officer to impound the animal pending further order of the Court as provided in this section.
- B. The person executing a warrant issued pursuant to subsection A. of this section shall have all powers of a police officer in executing a search warrant pursuant to O.R.S. Chapter 133; provided, however, that, if forcible entry into a building or vehicle is necessary because of a refusal of the person in possession thereof to consent to entry, or because of the inability of the person or persons attempting to execute the warrant to contact anyone having authority to consent to the entry after at least three attempts more than five hours apart, a regular police officer shall execute the warrant. In the event a police officer, with or without an impoundment warrant, reasonably believes that delay to contact a person having authority to permit entry into a building or vehicle will endanger the safety of the public or any person because of the inherently dangerous character of the particular animal and the reasonable potential for the harm, or because it may be infected with rabies and has bitten or scratched a person, he or she may forcibly enter the building or vehicle for the purpose of impounding the animal.
- C. Upon impounding an animal pursuant to this section, the city shall give notice of the impoundment by personal service or by mail to the owner or custodian of the animal, if known, or otherwise to the record owner of the building, vehicle or other premises from which the animal was taken. If the animal was found running at large and the identity of the owner or custodian is unknown and cannot be found, the animal shall be disposed of by order of the Municipal Court. In the event the identity of the owner or custodian becomes known prior to disposition of the animal, the City Attorney shall cause notice thereof to be given to the Municipal Court and the Court shall proceed as provided in subsection D. of this section. Notice of impoundment pursuant to this section shall specify the animal's description, the time and place of impoundment and the rights of the owner or custodian as provided in subsection D. of this section. Proof of the service shall be filed with the Municipal Judge within 24 hours (Saturday, Sundays and city holidays excepted) of the impoundment.
- D. Within two weeks of filing proof of the service, the Municipal Judge shall convene a hearing to determine disposition of the animal, unless the owner shall have filed with the Court a written waiver of interest in the animal. In the latter case, the Judge shall order the animal disposed of; otherwise, the Court shall cause notice of the time and place of hearing to be served personally or by mail upon the owner, if known, or upon the person to whom notice of impoundment was given.

- E. Upon a determination that the impounded animal is a wild, exotic or dangerous animal kept in violation of this chapter, the Court may order disposition of the animal, including destruction of the animal or permanent removal of the animal from the corporate limits of the city; provided, however, that, if the owner or custodian was charged with a violation of this chapter, and the trial on the violation was not consolidated with the hearing provided for in this section, the Municipal Judge shall not order final disposition of the animal, but may order the animal kept in impound pending a judgment on that violation.
- F. The Court may, as part of any order, provide for the reimbursement of any costs and expenses incurred by the city in the process of abating the nuisance and the impoundment of the animal.
- G. Nothing in this section shall be deemed to affect, limit or impair the authority or duty of any public officer or other person pursuant to O.R.S. 433.340 to 433.390 or rules promulgated thereunder.

(Ord. 1240, § 13, 2015; Ord. 975, 1988)

6.12.070 ENFORCEMENT

- A. Upon a conviction of an owner or custodian for violation of the provisions of this chapter, the Municipal Judge may, in addition to imposing a fine for the violation and assessing costs for an abatement and impoundment, if any, order the disposition of the animal as he or she deems just and equitable. This order may require abatement of the nuisance and destruction of the animal or permanent removal of the animal from the corporate limits of the city.
- B. Failure to comply with the terms of any order of the Court shall be deemed contempt of Court, and upon the failure the Court may, in addition to penalizing the contempt, modify its order to require more effective abatement of the nuisance.

(Ord. 1240, § 14, 2015; Ord. 975, 1988)

6.12.080 INTERFERENCE WITH OFFICERS

It is unlawful for any person to, in any way, resist, hinder, delay, impede or otherwise interfere with, molest or harm any city employee in the prosecution of his or her duties or exercise of his or her authority under the terms of this chapter. Any person so interfering shall be prosecuted under applicable criminal laws as they apply to the situation.

(Ord. 975, 1988)

6.12.090 VIOLATION--PENALTY

- A. Violation of any provision of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Each day's violation is a separate offense.
- B. The remedies, which include penalties herein provided for in this chapter or sections thereof shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city.

(Ord. 1240, § 15, 2015; Ord. 1237, § 1 (part), 2013; Ord. 975, §§ 8, 9, 1988)

CHAPTER 17.94 HOME OCCUPATION

17.94.010 APPLICABILITY

17.94.020 PROCESS

17.94.030 APPLICATION

17.94.040 SUBMITTAL REQUIREMENTS

17.94.050 DECISION CRITERIA

17.94.010 APPLICABILITY

The purpose of this Section is to provide a means to allow residents to create and operate a business within their residence without creating significant impacts on adjacent properties.

HISTORY

Repealed & Replaced by Ord. [1305](#) on 9/27/2022

17.94.020 PROCESS

- A. *No employees.* A Home Occupation where there are no employees other than family members residing in the residence or no more than one vehicle associated with the home occupation shall be reviewed in accordance with the Type I review procedures specified in Chapter 17.122.
- B. *With employees.* Home Occupations proposed to have employees in addition to family members residing in the residence or more than one vehicle associated with the home occupation shall be reviewed as a Conditional Use in accordance with the Type III review procedures specified in Chapter 17.124.

HISTORY

Repealed & Replaced by Ord. [1305](#) on 9/27/2022

17.94.030 APPLICATION

Any application for a Home Occupation use shall be filed with The City and accompanied by the appropriate fee. It shall be the applicant's responsibility to submit a complete application which addresses the review criteria of this Section.

HISTORY

Repealed & Replaced by Ord. [1305](#) on 9/27/2022

17.94.040 SUBMITTAL REQUIREMENTS

The application shall include a statement explaining the proposal and providing analysis of the proposal relative to the approval criteria. If appropriate, a preliminary plan should show pertinent information to scale to facilitate the review of the proposed development.

HISTORY

Repealed & Replaced by Ord. [1305](#) on 9/27/2022

17.94.050 DECISION CRITERIA

- A. *No employees.* The proposed home occupation must comply with the requirements in Chapter 17.68.
- B. *With employees.* In addition to requirements in Chapter 17.68, the proposed home occupation must comply with the Conditional Use criteria.

HISTORY

Repealed & Replaced by Ord. [1305](#) on 9/27/2022

Summary of the proposed conditional use of 4290 Airport Road as a Private Farm School

- B. A Private School is listed as a conditional use in the underlying district, and permits the addition of more children than we now qualified for as a preschool. As stated in Chapter 17.10.040-F, Public and Private schools do require approval of a Conditional Use Permit.
- C. The characteristics of our property is very suitable for the proposed Private Farm school. We plan on starting with a Christian, Farm preschool using Montessori Method. As interest and funding grow, we plan on adding a small elementary and secondary school in our two existing shops, brought up to code of course, creating a Private Micro School. For a school of this caliber we feel Sweet Home, and our location specifically, is a perfect place to start. We have 7 acres of flat land, of which 2 acres are in yard, gardens and an orchard. About 5 acres are in pasture with a small barn attached. We are in a good location being inside the city limits, and our property is easily accessible and convenient for families dropping off a child for school close to home. Our home is a cozy single-story ranch style home with a covered patio for outside learning and play on wet days. We plan to create a children's garden for exploration of planting, growing and harvesting. As well, we will add small farm animals to our small flock of chickens. We would love to include a small farm stand near the fence to the right of our home and far back from the road for the children and parents to sell the produce we grow, encouraging entrepreneurship and a way for the community to be involved and support our children's education. The stand will only be open hours when school is not in session. Perhaps evenings and weekends.
- D. Our Private Farm School is extremely timely with the growth of Sweet Home, especially with relation to the homes in our neighborhood and with the current interest in alternative forms of education. We are ideally positioned in a neighborhood of family homes. With a substantial housing development nearby in process of being completed, and having the basic infrastructure already in place. It seems we are well located to serve the families in this growing area of Sweet Home. And we intend on becoming an asset to our neighborhood and our city.
- E. In order for there to be as little disruption to the flow of traffic in our neighborhood we would ask that the parents approach the school from Airport Road to the East and depart onto 43rd Street to the South of the school. School hours will be from 8:00 am until 3:00 pm, Monday through Friday which are some of the least busy hours of traffic in our area. Low traffic is due I believe, in part to Public School busses running earlier in the morning and neighbors getting home from work around 5, or later.
- F. The only negative impacts of a Private Farm School in our location that I could foresee would be an increase in the number of parents with children walking or bicycling to our school. We may need a cross walk or a bike lane to the South down 43rd Street. And a school zone would be a nice addition also, although we are on a corner and driving speed must necessarily slow near our home/school.