



CITY OF SWEET HOME PLANNING COMMISSION AGENDA

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

WIFI Passcode: guestwifi

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

The Planning Commission will hold a Regular Planning Commission meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the Planning Commission, boards and City Council, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home Planning Commission is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the Planning Commission meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet you can call in to 541-367-5128, choose option #1 and enter the meeting ID 509 335 15# to be logged in to the call.

This video stream and call in options are allowed under Planning Commission rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

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: March 1, 2021

Public Hearings:

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

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

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

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.

Application CU21-03: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of cosmetology and counseling services operated by a resident of the property within the dwelling located on the property. The applicant expects to see between zero and four clients per day with hours ranging from one to four per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 13,174 square feet and is in the Residential Low Density (R-1) Zone.

Staff Updates on Planning Projects:

Pending Applications

Code Revision Update

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

Adjournment

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

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

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

Planning Commission Process and Procedure for Public Hearings

- Open each Hearing individually
- Review Hearing Procedure (SHMC 17.12.130)
- Hearing Disclosure Statement (ORS 197.763)
 - At the commencement of a hearing under a comprehensive plan or land use regulation, a statement shall be made to those in attendance that:

READ: “The applicable substantive criteria are listed in the staff report. Testimony, arguments and evidence must be directed toward the criteria described or other criteria in the plan or land use regulation which the person believes to apply to the decision. Failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.”

- Declarations by the Commission:
 - Personal Bias - Prejudice or prejudgment of the facts to such a degree that an official is incapable of making an objective decision based on the merits of the case.
 - Conflict of Interest - Does any member of the Commission or their immediate family have any financial or other interests in the application that has to be disclosed.
 - Ex Parte Information - The Planning Commission is bound to base their decision on information received in the Public Hearing and what is presented in testimony. If a member of the Planning Commission has talked with an applicant or has information from outside the Public Hearing it needs to be shared at that time so that everyone in the audience has an opportunity to be aware of it and the rest of the Planning Commission is aware of it. In that way it can be rebutted and can be discussed openly.
- Staff Report
 - Review of application
 - Discussion of relative Criteria that must be used
 - During this presentation the members of the Planning Commission may ask questions of the staff to clarify the application or any part of the Zoning Ordinance or the applicable information.
- Testimony
 - Applicant's Testimony
 - Proponents' Testimony
 - Testimony from those wishing to speak in favor of the application
 - Opponents' Testimony
 - Testimony from those wishing to speak in opposition of the application
 - Neutral Testimony
 - Testimony from those that are neither in favor nor in opposition of the application.
 - Rebuttal
- Close Public Hearing
- Discussion and Decision among Planning Commissioners
 - Motion
 - Approval
 - Denial
 - Approval with Conditions
 - Continue
- If there is an objection to a decision it can be appealed to the City Council. The Planning Commission shall set the number of days for the appeal period. At the time the City Council goes through the Public Hearing Process all over again.
 - Recommendation made by Planning Commission—City Council makes final decision.

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



CITY OF SWEET HOME PLANNING COMMISSION MINUTES

March 01, 2021, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi

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

Call to Order 6:30 PM

Roll Call of Commissioners

Chairman Parker:	Present
Commissioner Wolthuis:	Present
Commissioner Stephens:	Present
Commissioner Journey:	Present
Commissioner Korn:	Present
Commissioner Goble	Absent
Commissioner Melcher	Present

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

Visitors: Grover Hubbard, 1207 44th Avenue, Sweet Home, OR 97386
Nancy Serrano-Hubbard, 1207 44th Avenue, Sweet Home, OR 97386

Public Comment: None

Meeting Minutes: January 4, 2021

Commissioners Comments: None

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Goble:	Absent
Commissioner Melcher:	Aye

Motion Passed (6) Ayes to (0) Nays, (1) Absent,

Public Hearings:

Application CU20-07: The applicant is requesting a conditional use permit in order to establish a home occupation (home business) on their property. The home occupation would consist of the manufacture and sale of firearms that would be operated by a resident of the property within the

dwelling located on the property. The firearms will be sold primarily on-line with a small number of local sales. The applicant expects local sales to be one to two firearms per month and will be by appointment only. The applicant will be the only employee. The subject property contains approximately 5,850 square feet and is in the Residential Medium Density (R-3) Zone.

Personal Bias: None

Conflict of Interest: None

Exparte Information: None

Comments/Discussion:

Associate Planner Clegg read a summary of the staff report.

Commissioner Melcher asked if there were any similar businesses in Sweet Home.
Commissioner Jurney discussed a business brought before the Commission in the past.

Commissioner Melcher asked if the police department was informed about the business.
Associate Planner Clegg stated that the police department is informed through the noticing process. No comments were received from the police station regarding the subject application.

PUBLIC HEARING OPENED AT 6:44 PM

Applicant Testimony:

Grover Hubbard testified on behalf of his application.

Commissioners Questions:

Commissioner Melcher asked the applicant about his inventory, background, and hours of operation. The applicant stated that his inventory will vary due to customer orders. The applicant stated that he has a military and security background. The applicant stated his hours of operation will be weekdays during daylight hours. Because the business is primarily on-line, he has not proposed specific hours.

Commissioner Jurney asked the applicant about the number of clients to the home and the security to the home. The applicant stated that he does not know how many clients will come to his home until he gets orders. The applicant stated that he is following the Alcohol, Tobacco and Firearms (ATF) standards for security.

Testimony in Favor: None

Testimony in Opposition: None

Neutral Testimony: None

Rebuttal: None

PUBLIC HEARING CLOSED AT 6:51 PM

Commissioners Discussion:

Commissioner Wolthuis asked if the neighbors had been noticed. Associate Planner Clegg stated that the neighbors within a 300-foot buffer were noticed per code. No comments were received.

Chairman Parker discussed the neighborhood layout and concerns with traffic if local sales increased. CEDD Director Larsen stated that per code, the Commissioners can add a condition of approval if they feel it necessary. A traffic discussion ensued between the commissioners.

Commissioner Korn moved to approve application CU20-07 and thereby permit the Conditional Use, adopting the findings of fact listed in Attachment A of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.

Commissioner Stephens seconded the motion to approve with conditions.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Goble:	Absent
Commissioner Melcher:	Aye

Motion Passed (6) Ayes to (0) Nays, (1) Absent

Introduction of new Planning Commissioners

Associate Planner Clegg introduced Commissioner Melcher. Commissioner Melcher gave a brief description of herself and her background.

Election of Chairman and Vice-Chairman

Commissioner Wolthuis nominated Commissioner Parker to remain as Chairman.

Commissioner Stephens nominated Commissioner Wolthuis to remain as Vice-Chairman.

Question was called by roll call vote:

Chairman Parker:	Aye
Commissioner Wolthuis:	Aye
Commissioner Stephens:	Aye
Commissioner Journey:	Aye
Commissioner Korn:	Aye
Commissioner Goble:	Absent
Commissioner Melcher:	Aye

Motion Passed (6) Ayes to (0) Nays, (1) Absent

Staff Updates on Planning Projects:

Code Revision Update

CEDD Director Larsen gave a brief update.

CEDD Director Larsen discussed updating comprehensive plan. Larsen stated that the City Council is on board, and they will look for funding.

Pending Applications

- P19-07: City of Sweet Home, 24th Avenue – on hold
- PLA21-01: Hall, The Point – Appeal period
- PLA21-02: Cadwell, Live Oak – Withdrawn
- PLA21-03: Cadwell, Live Oak – Withdrawn
- ZMA21-01: Kinzer, Hwy 20 & 44th / Storage units - Notice
- PLA21-04: Kinzer, Hwy 20 & 44th / Storage Units – Notice
- CU21-01: Kinzer, 44th, ADU above office – Notice

- CU21-02: Burton, 628 9th Ave Avenue – Notice
- CU21-03: Roberts, 2250 Ironwood - Notice

Downtown Streetscape Plan

CEDD Director Larsen gave an update on the process. Larsen informed the community that they are planning a community meeting on either March 18th or the 25th in the evening.

Planning Commissioner Comments:

Commissioner Wolthuis asked staff about the procedure to deal with burned houses. Staff informed the commissioners that they are aware of the burned properties in the area and informed the commissioners of the process. Steps have been taken on multiple properties in Sweet Home.

Adjournment at 7:23 PM

Jeff Parker, Chairperson
Sweet Home Planning Commission

Respectfully submitted by Angela Clegg, Associate Planner



City of Sweet Home

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

Planning Commission Staff Report

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

Application ZMA20-04 is being filed simultaneously with Application PLA21-04. Application PLA21-04 is pending the approval of Application ZMA21-01.

APPLICANT: Laura LaRoque, Udell Engineering and Land Surveying, LLC

PROPERTY OWNER: Jeremy Kinzer

PROPERTY LOCATION: 4347 Highway 20, Sweet Home, OR 97386, Sweet Home, OR 97386;
Identified on the Linn County Assessor's Map as 13S01E28DC Tax Lot 2500.

REVIEW AND DECISION CRITERIA: Sweet Home Municipal Code Section(s) 17.12, 17.24, 17.36, OAR 660-012-0060

FILE NUMBER: ZMA21-01

PLANNING COMMISSION PUBLIC HEARING:

- **DATE & TIME:** April 5, 2021 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

CITY COUNCIL PUBLIC HEARING:

- **DATE & TIME:** April 27, 2021 at 6:30 PM
- **LOCATION:** City Hall Council Chamber, 3225 Main Street, Sweet Home, OR 97386

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

REPORT DATE: March 29, 2021

I. PROJECT AND PROPERTY DESCRIPTION

LOCATION: The subject tract contains approximately 20,210 square feet (.46 acre). The property is currently zoned Commercial Highway (C-2) and the comprehensive plan designation is Residential Low Density (R-1). The applicant is requesting to change the zoning to Highway Commercial (C-2) bringing it into conformity with the property's existing Comprehensive Plan Map designation.

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

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

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

Wetlands: The subject property does not show wetlands/waterways on the property that are depicted on the Sweet Home Local Wetlands Inventory and the National Wetlands Inventory Map.

Access: The subject property has frontage along Highway 20.

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

TIMELINES AND HEARING NOTICE:

Application Submitted:	February 18, 2021
Application Deemed Complete:	February 24, 2021
Mailed/Emailed Notice:	February 24, 2021
Notice Published in New Era Newspaper:	March 3, 2021
Planning Commission Public Hearing:	April 5, 2021
City Council Public Hearing	April 27, 2021

Notice was provided as required by SHMC 17.12.120.

II. COMMENTS

Public Works: Public Works has no issues with this request.

Permit Technician: The Building Program has no issues with this request.

Staff Engineer: Regarding ZMA21-01, a zone change on Main St west of 44th Ave at the former residential house at 4347 Main St, the location is surrounded by other Highway Commercial (C2) Zoning. This change will match the property to the adjacent zones of the neighborhood. CEDD-ES has no concerns with the ZMA.

Sweet Home
Fire District: The Fire District Has no issues with this request.

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

III. REVIEW AND DESIGN CRITERIA

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

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

- 1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]**
 - a. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]**
 - b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]**
 - c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.**

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

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

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

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

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

- d. **Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]
 - i. **To accurately reflect changes in the community.**
 - ii. **To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**
- e. **Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]
- f. **Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]
- g. **Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]
 - i. **There is a need for the proposed change;**
 - ii. **The identified need can best be served by granting the change requested;**
 - iii. **The proposed change complies with the Statewide Planning Goals; and,**
 - iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**
- h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]

- i. **High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 2.

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 20,210 square feet (.46 acre) property identified on the Linn County Assessor's Map as 13S01E28DC Tax Lot 2500 (see Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Highway Commercial (C-2).

Based on the Linn County 2018 aerial photograph, the area is surrounded by Highway Commercial lots. There is no development planned with the Zone Map Amendment application.

Based on the findings above the proposed zoning plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

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

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 8, B.

Staff Findings: Staff finds that the proposed zoning map amendment would be orderly and timely, be consistent with the pattern of development in the area, and based on the 2018 Linn County aerial photograph, staff finds that the subject property is surrounded by Highway Commercial lots.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and** [SHMC 17.12.025(C)]

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 8, C.

Staff Findings: Water and sanitary sewer services are available in Highway 20. The subject property has frontage along Highway 20. The applicant has not proposed development with this Zone Map Amendment application

The application complies with this criterion.

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

Applicants Comments: See Attachment C, Zone Map Amendment Application, III. Review Criteria Page 9, D.

Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

5. **OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless**

the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a. Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
- b. Change standards implementing a functional classification system; or
- c. Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.
 - i. Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
 - ii. Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
 - iii. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing frontage along Highway 20. The applicant has proposed a change in zoning from the Residential Low Density (R-1) zone to the Highway Commercial (C-2) zone. The proposed use would be consistent with the Comprehensive Plan Map designation. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan.

The application complies with this criterion.

IV. CONCLUSION AND RECOMMENDATION

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

V. PLANNING COMMISSION ACTION

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

Motion:

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

1. Move to recommend that the City Council approve application ZMA 21-01; which includes adopting the findings of fact listed in the staff report.
2. Move to recommend that the City Council deny application ZMA 21-01 (specify reasons).
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

VI. ATTACHMENTS

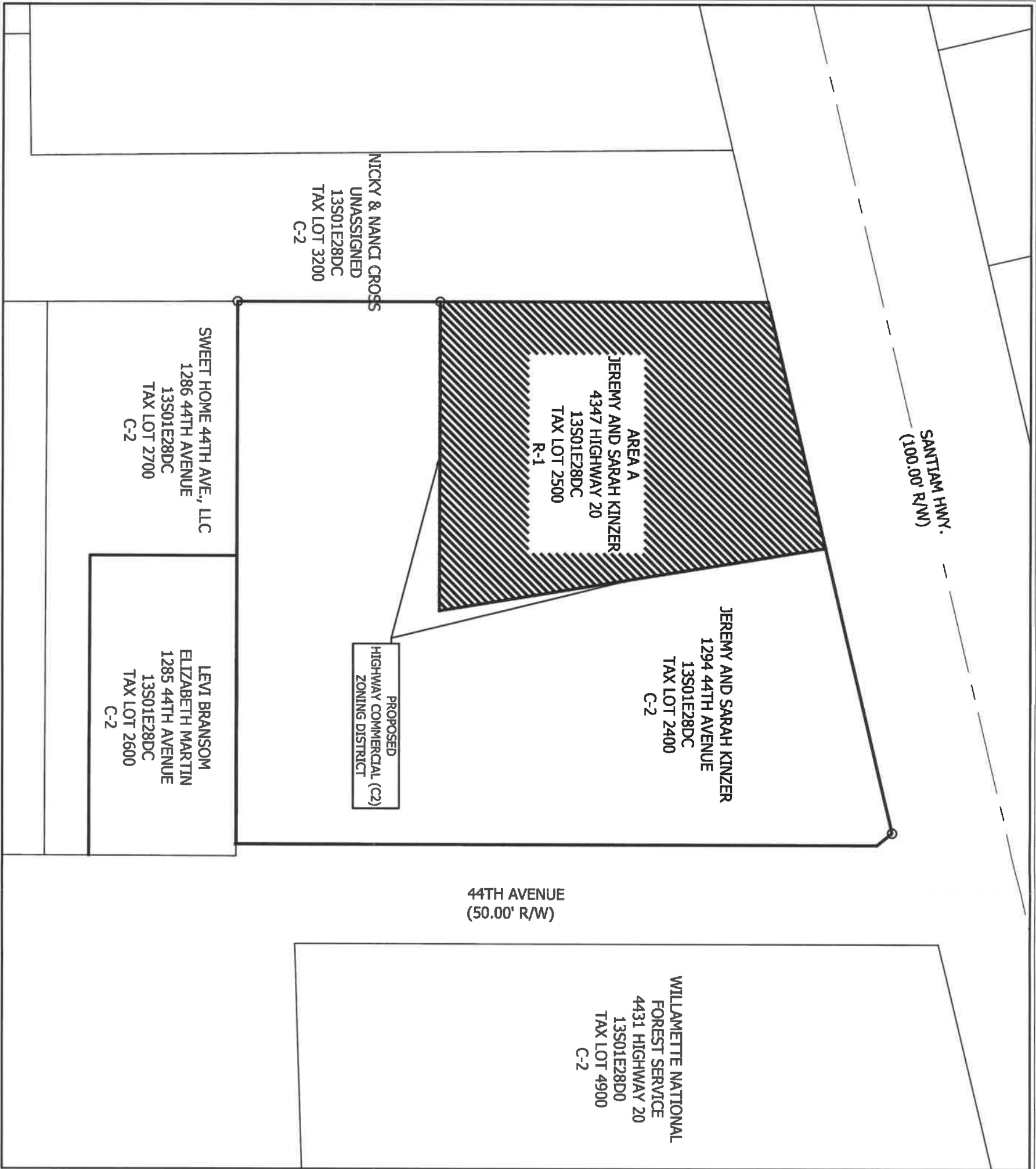
- A. Subject Property Map
- B. Site Map
- C. Zone Map Amendment Application Summary
- E. Zoning Map
- G. Comprehensive Plan Map
- H. Planning Application Form



1 inch = 89 feet

Subject Property Map
ZMA21-01
4347 Highway 20

Date: 2/24/21



SCALE: 1" = 50'

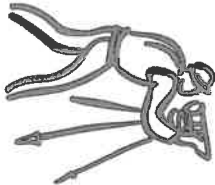
0' 50'

PROPERTY INFORMATION

AREA A:
ZONING: LOW DENSITY RESIDENTIAL (R1)
AREA: 0.46-AC.
LAND USE: VACANT
OWNER: JEREMY AND SARAH KINZER
ADDRESS: 4347 HIGHWAY 20
ASSESSORS MAP: 13S01E28DC
TAX LOT: 2500

LEGEND

R/W	RIGHT OF WAY
AC	ACRES
(P)	PROPOSED
(E)	EXISTING



SHEET 1
of 1

SCALE: AS NOTED

Date	2/15/2021
Project	18-026 KINZER PLA
Drawn by	LL
Checked by	KWL

ZONE MAP AMENDMENT

JEREMY KINZER
4347 HWY. 20
SWEET HOME, OREGON

UDELL ENGINEERING
AND
LAND SURVEYING, LLC

63 EAST ASH ST.
LEBANON, OREGON, 97355
541-451-5125

ZONE MAP AMENDMENT APPLICATION

Submitted to:	Sweet Home Planning Department 1140 12 th Avenue Ste. A Sweet Home, OR 97386
Applicants/Property Owners:	Jeremy Kinzer P.O. Box 986 Lebanon, OR 97355
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355
	Contact: Laura LaRoque Email: laura@udelleng.com Phone: (541) 990-8661
Site Location:	4347 Hwy. 20
Linn County Assessor's Map No.:	13S-01E-28DC Tax Lot 2500
Site Size:	±0.46-acres
Existing Land Use:	Unimproved
Zone Designation:	Residential Low Density (R1)
Comprehensive Plan Designation:	Highway Commercial
Surrounding Zoning:	North: C2 (across Hwy. 20) South: C2 East: C2 (across 44 th Avenue) West: C2
Surrounding Uses:	North: Commercial – Hair Salon/Vehicle Service South: Residential East: Government – US Forest Service West: Commercial – S. Fork Trading Company



18-026 Kinzer
4347 Hwy. 20
ZC Application

February 15, 2021
Page 1 of 9

I. Executive Summary

The proposal is a request to rezone an existing ±0.46-acres vacant parcel from Residential Low Density (R1) Zone to the Highway Commercial (C2) Zone. Subject property is located south of the Santiam Highway/Highway 20 and west of 44th Avenue intersection at 4347 Highway 20. The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

The criteria for amending the Sweet Home Zone Map are found in Sweet Home Municipal Code (SHMC) 17.12.025 and are addressed in the applicant's narrative below. This written narrative and associated documentation included in the application materials, establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

II. Analysis of Development Code Criteria

According to Sweet Home Municipal Code (SHMC) 17.12.010, a quasi-judicial zone map amendment may be initiated by a property owner, representative of the property owner, the City Manager, the Planning Commission, or the City Council.

According to SHMC 17.12.100, the application submittal requirements include an application authorization form, plans, and specifications drawn to scale and showing the actual shape and dimensions of the lot to be built upon; the size and location on the lot of all existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with Section 17.

III. Review Criteria

SHMC 17.12.025 includes the following review criteria that must be met for a property line adjustment to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.

1.1 The subject property is zoned Residential Low Density (R1) with a Highway Commercial Plan designation. The proposed zoning designation is Highway Commercial (C2). The proposed C2 zoning designation is in conformance with the Highway Commercial Comprehensive Plan Map designation.

1.2 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44th Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

1.3 According to 17.24.010 of the SHMC, the R1 zoning district is intended to provide areas suitable and desirable for single-family homes, associated public services uses, and duplexes on corner lots. The R1 zone is most appropriate in areas which have developed,

or will develop, with single-family homes at a density which warrants provision of public water and sewer facilities.

- 1.4 According to 17.36.010 of the SHMC, the C2 zoning district is intended to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in an area along or near U.S. Highway 20, east and west of downtown Sweet Home, which has been developed with commercial activities or which have the potential for such activities if sufficient vehicular access control is maintained.
- 1.5 According to Table 1 of the Sweet Home Comprehensive Plan, the purpose of the Highway Commercial land use designation is to provide an area suitable and desirable for retail and service firms, offices, financial institutions, and other uses appropriate in the intensively developed commercial center of the community.
- 1.6 For the following reasons, the applicant concludes that the subject property is poorly aligned with the intent and purpose of the R1 zoning district: 1) the site's frontage on a state highway is more desirable for a commercial enterprise as opposed to a single-family dwelling due to the high traffic volume and highway visibility; 2) there is no residential pattern of development adjoining this property, nor is the subject property located in a "residential neighborhood;" 3) the proposed zone map amendment will serve as a transitional or buffer zone between the highway and residentially zoned properties approximately 100 feet to the south.
- 1.7 The following Comprehensive Plan goals and policies are relevant in considering whether the proposed C2 zoning designation is "consistent" with the goals and policies of the Comprehensive Plan. Each of the relevant goals and policies are listed in ***bold italic*** print.

Statewide Planning Goal 1: Citizen Involvement

Goal: The opportunity for citizens to be involved with all phases of the planning process.

Sweet Home Citizen Involvement Policies 1- 7

Sweet Home Comprehensive Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.

Sweet Home Plan Policy 1: The City Council may amend the Comprehensive Plan after referral to the Planning Commission for review, revisions, and recommendations.

Sweet Home Plan Policy 2: Changes to the Plan shall be made by ordinance after public hearings.

- 1.8 In Type IV quasi-judicial proceedings conducted for zoning map amendments as proposed by the applicant, the SHMC sets forth provisions for citizen involvement at public hearings before the planning commission and city council. Notice was mailed to surrounding property owners within 300 feet of the subject site and to affected government agencies. Notice of these public hearings were published in a newspaper of general circulation.

Based on these provisions, citizens will have ample opportunity to review and comment on the proposed map amendments. People who are notified of the public hearings are invited to submit comments or questions about the application prior to the hearing or at the hearing. Review of the applications are based on the review criteria listed in the Development Code. The purpose of the public hearing is to provide the opportunity for people to express their opinion about the proposed changes. The planning commission and city council facilitate this process through their respective public hearings.

Statewide Planning Goal 2: Land Use Planning

Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Sweet Home General Development Policy 1: Land allocation for the various uses (residential, commercial, and industrial) will be based on anticipated needs for development.

Sweet Home General Development Policy 2: The City of Sweet Home will encourage development contiguous to existing public services and transportation improvements. This type of development pattern shall be promoted as it will maintain public facility costs at the lowest possible level and provide the opportunity to coordinate development with the provision of services.

Comprehensive Plan Map Policy 1: The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by the Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home.

Comprehensive Plan Map Policy 3: Where appropriate, the boundaries of land use designations as depicted on the map generally follow street and alley lines, lot lines, railroad right-of-way, or significant natural features (rivers, creeks, ridge lines, the foot of slopes, and benches. In the event that a public street or alley is officially vacated, the regulations applicable to the adjoining property to which it reverts shall apply to the vacated street or alley.

Plan Amendment Policy 4: An amendment to the Comprehensive Plan shall be considered when one or more of the following conditions exist: a. Updated data demonstrates significantly different trends than previous data; b. New data reflects new or previously undisclosed public needs; c. New community attitude represents a significant departure from previous attitude as reflected by the Planning Commission or City Council; d. Statutory changes significantly affect the applicability or appropriateness of existing plan policies.

Plan Amendment Policy 5: Property owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions

exist a. There is a need for the proposed change, b. The identified need can best be served by granting the change requested, c. The proposed change complies with the Statewide Planning Goals, and d. The proposed change complies with all other elements of the City's Comprehensive Plan.

1.9 According to the Sweet Home Comprehensive Plan, "The Comprehensive Plan Map is a visual complement to the Comprehensive Plan Text. It shows the location of each Land Use Designation. In that sense, the map acts as a visual guide for citizens and policymakers that will help encourage sound development during the 20-year planning period." The subject site is designated as Highway Commercial on the Comprehensive Plan Map.

1.10 The Economy Element of the Comprehensive Plan has not been updated since it's adoption in 2001 and was based on data from the 1990's. Therefore, the demonstration of need is based on the 2017, Sweet Home Economic Opportunities Analysis (EOA) as opposed to the Economy Element of the Comprehensive Plan.

Exhibit 1 in the EOA shows unconstrained buildable land by plan designation. A total of 28 unconstrained buildable acres have been identified in EOA under the Highway Commercial Plan Designation. A surplus of 18 acres of commercial land was identified after applying employment land demand by plan designation. However, not all identified acres are development-ready when taking into consideration factors such as property owner interest in developing, access to streets and utilities, and cost of any necessary public improvements.

Adding a surplus of ± 0.46 -acres will have a marginal increase to the commercial land supply under the C2 zoning district. However, the subject property is development ready. Therefore, the marginal increase will help ensure there is an adequate supply of C2 zoned land that is ready and able to be developed in a wide range of commercial economic enterprises.

Statewide Planning Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources

Goal: Protect wetlands to ensure their continued contribution as natural areas, open space, wildlife and vegetative habitat, and storm water retention and conveyance.

1.11 The subject property does not contain any known natural or historic resources. Therefore, these policies are not applicable.

Statewide Planning Goal 9: Economic Development

Goal: To provide land suitable for economic growth.

Sweet Home Economic Development Policy 6: The Highway Commercial designation provides for uses that have large size requirements, or that are oriented to highway access.

Sweet Home Economic Development Policy 7: Sweet Home will require businesses in the Highway Commercial zone to have plans showing the design for vehicular traffic, and that address pedestrian and bicycle needs.

- 1.12 The C2 zone allows for both commercial and residential land uses whereas the R1 zone is limited primarily to residential uses. Likewise, the C2 zone also permits a wider range of residential dwelling types than the R1 zone. Specifically, multi-family housing of three or more units is permitted outright in the C2 zone, whereas they are prohibited in the R1 zone. Additionally, two-family units are permitted outright in the C2 zone, whereas they are prohibited on interior lots in the R1 zone. Therefore, the proposed zone change from R1 to C2 provides greater flexibility in balancing the need for jobs and housing in Sweet Home.

Statewide Planning Goal 10: Housing

Goal: To provide for the housing needs of citizens of the state

Residential Land Use Policy 1: Residential areas will offer a wide variety of housing types in locations best suited to each housing type.

- 1.13 Although the C2 zoning district does not technically qualify as “residentially-zoned land,” residential uses are permitted in the zone, including single-family and multi-family units.

Statewide Planning Goal 12: Transportation

Goal: To provide a safe, convenient, and economic transportation system.

Oregon Administrative Rule (OAR) 660-012-0060(1)

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

(b) Change standards implementing a functional classification system; or

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

1.14 The site is located on the south side of Highway 20 to the west of the 44th Avenue intersection.

1.15 The Transportation Planning Rule, OAR 660-012-0060(1), requires a local government to put in place certain mitigation measures if an amendment to a land use regulation (including a map amendment) would “significantly affect” an existing or planned transportation facility. OAR 660-012-0060(9) provides that the “local government may find that an amendment to zoning map does not significantly affect an existing or planned transportation facility” if all the requirements in subsections (a)-(c) are met.

1.16 OAR 660-012-0060(9)(a) requires that the proposed zoning map amendment be consistent with the existing comprehensive plan map designation, and the map amendment does not change the comprehensive plan map. As stated previously, a comprehensive plan map amendment is not proposed with this application.

1.17 OAR 660-012-0060(9)(b) requires that the local government has an acknowledged Transportation System Plan (TSP) and that the proposed zoning map amendment is consistent with the TSP. The Sweet Home 2005 TSP was acknowledged by DLCD, and the proposed zone change is consistent with the TSP and does not adversely affect TSP policies or projects.

1.18 OAR 660-012-0060(9)(c) requires that the area subject to the proposed zoning map amendment not be subject to an exemption from the TPR standards pursuant to a prior UGB amendment or TSP amendment to account for urbanization of the area. The subject site is within the Sweet Home UGB and city limits, so this criterion is not applicable.

1.19 Because the proposed zoning map amendment meets all the criteria of OAR 660-012-0060(9)(a)-(c), the proposed amendment does not “significantly affect” an existing or planned transportation facility under OAR 660-012-0060(1), and no mitigation measures under that rule are required. Therefore, the proposal complies with the Transportation Planning Rule, OAR 660-012-0060.

Statewide Planning Goal 14: Urbanization

Goal: To provide for an orderly and efficient transition from rural to urban land use

1.20 The subject property is vacant and fully served with City of Sweet Home water, sanitary sewer, storm drainage, and police and fire service. The property is located on an arterial street adjacent to employment and public services and in proximity to residential neighborhoods. Development of the property with residential, commercial, or mixed-use



18-026 Kinzer
4347 Hwy. 20
ZC Application

February 15, 2021
Page 7 of 9

would enable Sweet Home residents to live and work in close proximity to nearby neighborhoods, public transit and activity centers.

B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.

2.1 All abutting properties to the east, south, and west are zoned C2 and developed with commercial enterprises. Adjacent properties across Highway 20 are zoned C2 and developed with a commercial enterprise. Adjacent property to the east, across 44th Avenue, is zoned C2 and developed with a government institution (U.S. Forest Service).

2.2 The 0.46-acre site is currently unimproved. At urban densities, the site is large enough to be developed. City services including water, sanitary sewer, storm drainage, and streets are either available or could be improved to serve future development. Therefore, the proposed zone map amendment is timely and efficient. This criterion is met.

C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and

3.1 Sanitary Sewer: City utility maps show an 8-inch public sanitary sewer main in Santiam Highway/Highway 20. The City's Wastewater Collection System Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public sanitary sewer system. The existing public sanitary sewer facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.2 Water: City utility maps show a 12-inch public water main in Santiam Highway/Highway 20. The City's Water Facility Plan does not show any system deficiencies in this area that would indicate that development allowed as a result of the proposed zone change would adversely impact the public water system. The existing public water facilities should be adequate to serve any potential development allowed under the proposed zoning designation.

3.3 Storm Drainage: Santiam Highway (Highway 20) is an ODOT right-of-way under the jurisdiction of the State. Future development on the subject property, regardless of the zoning designation, is likely to require the construction of on-site stormwater detention facilities as well as stormwater quality facilities. The detention facilities are typically designed to restrict stormwater discharge from the site to predevelopment rates, which should mitigate potential impacts to the public storm drainage system in Pacific Boulevard. Because Santiam Highway/Highway 20 is a State highway and under the jurisdiction of ODOT, any future development on the subject property would be subject to ODOT requirements pertaining to stormwater discharge to the highway drainage system.

3.4 Public utilities (sanitary sewer, water, storm drainage) are adequate to serve potential development on the subject property under the proposed C2 zoning designation.

3.5 Any specific utility requirements for future development would be determined at the time of land use application for the development. Therefore, this criterion is met.

D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

4.1 A comprehensive plan map amendment is not proposed with this application. Therefore, is review criterion is not applicable.

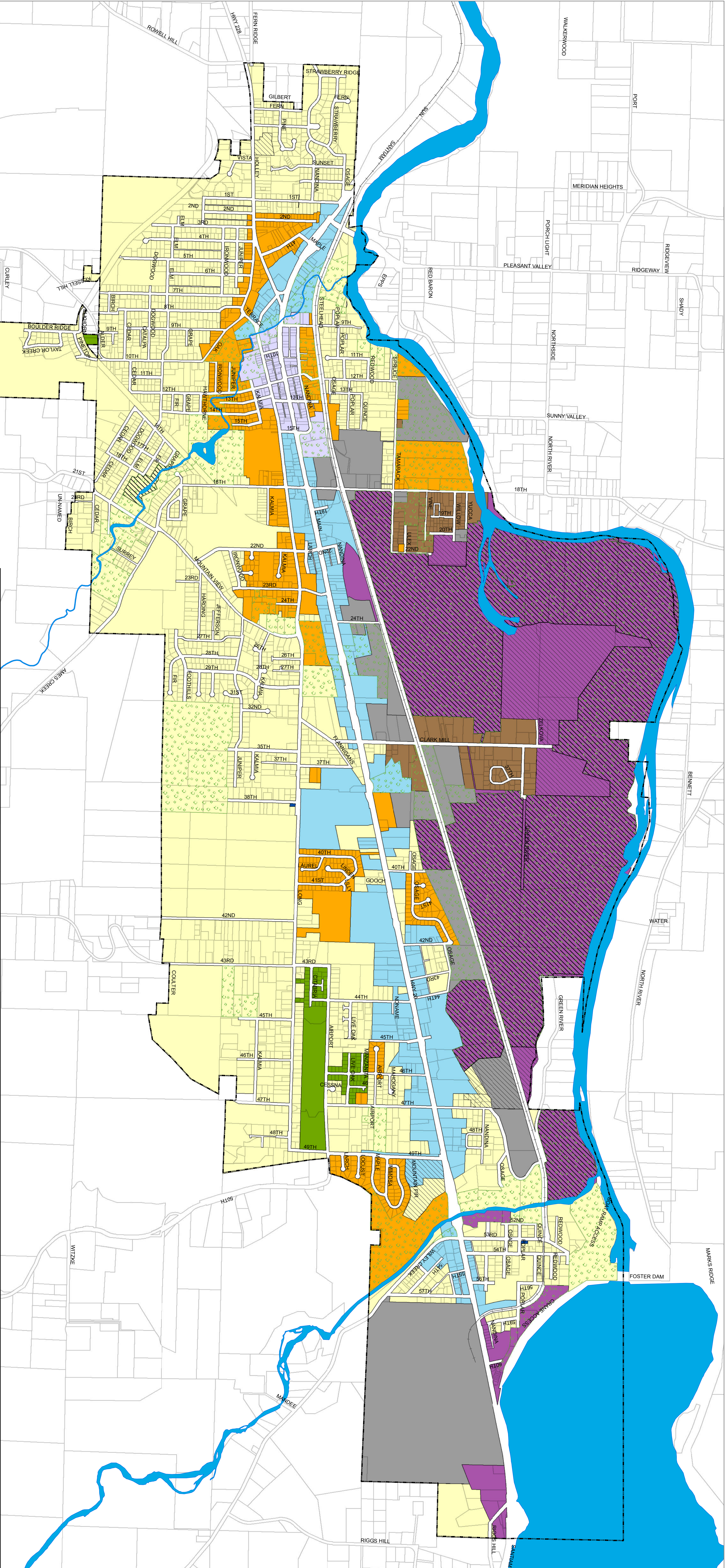
IV. OVERALL CONCLUSION

Based on the above analysis, the proposed zone map amendment meets all the applicable review criteria as outlined above.

V. ATTACHMENTS

- A. Site Map
- B. Sweet Home Zone Map
- C. Sweet Home Comprehensive Plan Map

Sweet Home Zoning



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

Reproduced by PR 3/26/15 from original by SV 01/09/09

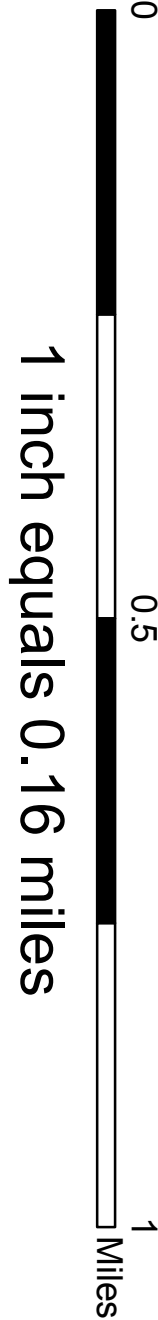
Created By:
City of Sweet Home
Community Development

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

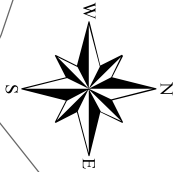
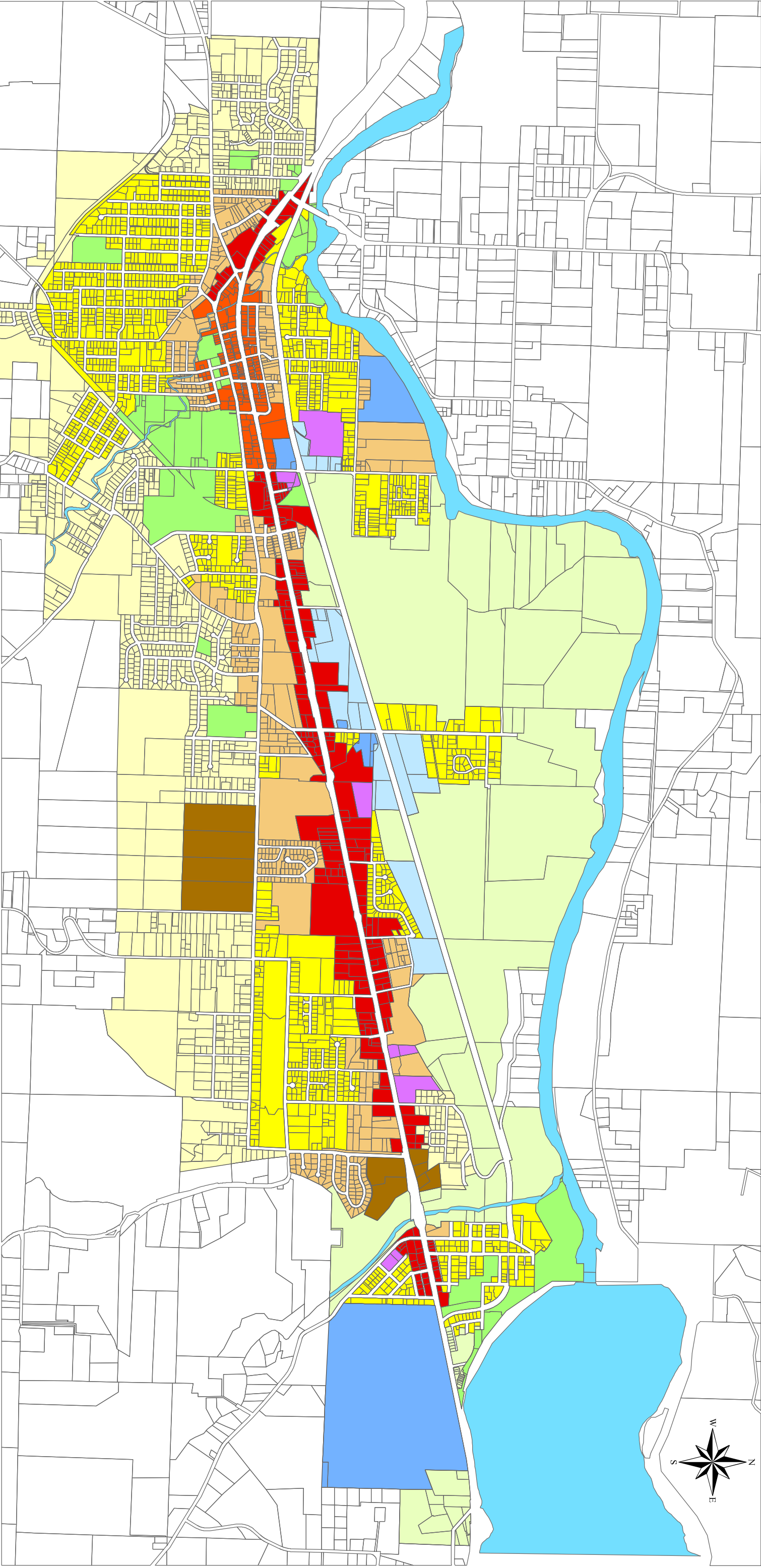
Legend	
Zoning	
	C1 (Central Commercial)
	C2 (Highway Commercial)
	C3 (Neighborhood Commercial)
	M (Industrial)
	R1 (Low Density Residential)
	R2 (High Density Residential)
	R3 (Medium Density Residential)
	RC (Recreation Commercial)
	RMT (Residential Industrial Transition)
Overlay Zones	
	Natural Resources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

Official Zoning Map

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



Sweet Home Comprehensive Plan



AMENDING ORDINANCES

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

Legend

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

Official Comprehensive Plan Map

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



1 inch equals 0.32 miles

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

Created By:
City of Sweet Home
Community Development

Revised by SV 1/09/09
541-367-8113



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

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

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

Date Received: 02.22.21
Date Complete: 02.23.21
File Number: ZMA21-01

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

Zoning Application Fee \$: \$1,030.00

Receipt #: 4241

Planning Commission Hearing Date: 04.05.21

City Council Hearing Date: 04.27.21

Applicant's Name:

Laura LaRoque, Udell Engineering and Land Surveying, LLC

Applicant's Address:

63 E. Ash Street, Lebanon, OR 97355

Applicant's Phone and e-mail:

541-990-8861 / laura@udelleng.com

Property Owner:

Jeremy Kinzer

Owner's Address:

P.O. Box 986 Lebanon, OR 97355

Owner's Phone and email:

541-350-3009 / jeremymkinzer@yahoo.com

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:

4347 Hwy. 20, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

13S01E28DC02500

Subject Property Size:

0.46-acres

Current Zoning Classification

Low Density Residential (R1)

Current Comprehensive Plan Classification:

Highway Commercial

Purpose of Request

Zone Map Amendment to amend the zoning designation from the Low Density Residential zoning designation to the Highway Commercial (C2) zoning designation.

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:

Proposed language for change.

Attach proposed text to this form.

Purpose of Request

Submittal Requirements

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

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

Applicant's Signature:

Date:

2-4-21

Property Owner's Signature:

Date:

2/4/21

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

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

APPLICANT: Laura LaRoque, Udell Engineering and Land Surveying, LLC

PROPERTY OWNER: Jeremy Kinzer

FILE NUMBER(S): CU21-01

PROPERTY LOCATION: 1294 44th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E28DC Tax Lot 2400.

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

HEARING DATE & TIME: **April 5, 2021 at 6:30 PM**

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

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

REPORT DATE: March 29, 2021

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

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

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

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

Access: The subject property has frontage along 44th Avenue.

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

TIMELINES AND HEARING NOTICE:

Application Received: February 23, 2021

Application Deemed Complete: March 1, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: March 1, 2021

Notice Published in New Era Newspaper: March 10, 2021

Date of Planning Commission Hearing: April 5, 2021

120-Day Processing Deadlines: June 29, 2021

II. COMMENTS

CEDD Engineering: Regarding CU21-01, for a caretaker dwelling at the A Squared Storage facility at 44th Ave and Main St, CEDD-ES has no concerns. The facility is connected to city services, and construction will occur on private property.

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

Building Division: The Building Program has no issues with this request for a Conditional Use. Please note that any construction will require building permits. If the proposed living space is to become the 2nd story of the existing office, structural engineering documents may be required.

Sweet Home Fire District: The Fire District has no concerns with the request

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

III. REVIEW AND DESIGN CRITERIA

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

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

Applicant Comments: See Attachment C, Conditional Use Application Summary, III. Review Criteria Page 2, A.

Staff Findings: A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial establishment may be permitted accessory to the commercial use through a conditional use permit [SHMC 17.36.030(G)].

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

1. **Building size;**
2. **Parking;**
3. **Traffic;**
4. **Noise;**
5. **Vibration;**
6. **Exhaust and emissions;**
7. **Light and glare;**
8. **Erosion;**
9. **Odor;**
10. **Dust;**
11. **Visibility;**
12. **Safety;**
13. **Building, landscaping or street features [17.80.040(B)].**

Applicant Comments: See Attachment C, Conditional Use Application Summary, III. Review Criteria Page 3, B.

Staff Findings: The applicant is requesting this conditional use permit to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility. A single-family dwelling occupied by the owner, manager, night watchman or caretaker of the commercial establishment may be permitted accessory to the commercial use through a conditional use permit [SHMC 17.36.030(G)]. Staff finds the site size, dimensions, location, topography and access are adequate for the needs of the proposed use.

The application complies with this criterion.

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

Applicant Comments: See Attachment C, Conditional Use Application Summary, III. Review Criteria Page 4, C.

Staff Findings: The applicant is requesting this conditional use permit to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility. Staff finds that no potential impacts are identified.

The application complies with this criterion.

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

Applicant Comments: See Attachment C, Conditional Use Application Summary, III. Review Criteria Page 5, D.

Staff Findings: The applicant is requesting this conditional use permit to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility, so there would be minimal traffic or parking impact and no need for any public facilities improvements.

The application complies with this criterion.

E. Home occupations must meet the following standards:

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

Staff Findings: The applicant is not proposing a home occupation

The application complies with this criterion.

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

- 1. These conditions may include, but are not limited to, the following:**

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

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

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

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

approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions If the Application is Approved:

1. The construction and use of the proposed caretaker dwelling will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. Vehicles related to the business shall be parked in a manner to not block any driveway or impede the safe flow of traffic.
3. The applicant shall provide a lighting plan acceptable to the Sweet Home Municipal Code requirements of 17.44.090.
4. The applicant shall not conduct, operate or maintain the proposed caretaker dwelling in such manner as to cause loud or offensive noises to be emitted from there, between their regular building hours. (SHMC 9.20.020)
5. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

V. PLANNING COMMISSION ACTION

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

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

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

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

1. Move to approve application CU21-01; which includes: adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU21-01; which includes: adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or

4. Other.

VI. ATTACHMENTS

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

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



1 inch = 142 feet

Subject Property Map
CU21-01

Date: 2/24/21



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

Application for a Conditional Use Permit

Date Received: 02.23.21
Date Complete: 03.01.21
File Number: C-21-01
Application Fee \$: 615.00
Receipt #: 4250
Hearing Date: 04.05.21

Applicant's Name:

Laura LaRoque, Udell Engineering and Land Surveying

Applicant's Address:

63 E. Ash Street, Lebanon, OR 97355

Applicant's Phone and e-mail:

541-990-8661 / laura@udelleng.com

Subject Property Address:

1294 44th Avenue, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

13S01E28DC02400

Subject Property Size:

1.04

Subject Property: Zoning Classification

C2

Property Owner:

Jeremy Kinzer

Owner's Address:

P.O. Box 986, Lebanon, OR 97355

Owner's Phone and email:

541-350-3009 / jeremymkinzer@yahoo.com

Nature of Applicants Request

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

The proposal is an application for Conditional Use Review to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility.

The subject property is located at 1294 44th Avenue and is zoned Highway Commercial (C2). The proposed use is allowed in the C2 zoning district with Conditional Use approval.

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

None.

Submittal Requirements

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

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

Applicant's Signature:

Laura LaRoque

Date:

2/18/2021

Property Owner's Signature:

Date:

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

CONDITIONAL USE APPLICATION

Submitted to:	Sweet Home Planning Department 1140 12 th Avenue Ste. A Sweet Home, OR 97386
Applicants/Property Owners:	Jeremy Kinzer P.O. Box 986 Lebanon, OR 97355
Applicant's Representative:	Udell Engineering and Land Surveying, LLC 63 E. Ash Street Lebanon, OR 97355
	Contact: Laura LaRoque Email: laura@udelleng.com Phone: (541) 990-8661
Site Location:	1294 44 th Avenue, Sweet Home, OR 97386
Linn County Assessor's Map No.:	13S-01E-28DC Tax Lot 2400
Site Size:	±1.04-acres
Existing Land Use:	Self-Serve Storage Facility
Zone Designation:	Highway Commercial (C2)
Comprehensive Plan Designation:	Highway Commercial
Surrounding Zoning:	North: C2 (across Hwy. 20) South: C2 East: C2 (across 44 th Avenue) West: C2
Surrounding Uses:	North: Commercial – Hair Salon/Vehicle Service South: Residential East: Government – US Forest Service West: Commercial – S. Fork Trading Company



18-026 Kinzer
1294 44th Avenue
CU Application

February 15, 2021
Page 1 of 5

I. Executive Summary

The proposal is an application for Conditional Use Review to allow a caretaker dwelling as an accessory use to an existing commercial self-serve storage facility. The subject property is located at 1294 44th Avenue and is zoned Highway Commercial (C2). The proposed use is allowed in the C2 zoning district with Conditional Use approval.

The dwelling will be constructed above the existing self-serve storage office building located to the southeast portion of the site. The existing office is one story tall and approximately 300 square feet in area. The dwelling unit will be constructed above the existing office with a slight cantilever (i.e., projection) over an existing kiosk station. No other changes are proposed to the existing site in association with this proposal.

The decision criteria for a Conditional Use application are found in Sweet Home Municipal Code (SHMC) 17.80.040 and are addressed in the narrative below. This written narrative and associated documentation included in the application materials establishes that the application complies with all applicable approval criteria. This documentation provides the bases for the City to approve the application.

II. Analysis of Development Code Criteria

According to Sweet Home Municipal Code (SHMC) 17.80.020, a conditional use application shall be processed as a quasi-judicial review, which requires public hearing notification, a public hearing, and decision by the Planning Commission.

According to SHMC 17.80.030, the application submittal requirements include an application authorization form, site plan drawn to scale, narrative describing the proposed use and impacts on the neighborhood, proposed plan of business operation, parking and circulation plans, traffic impact study (if required), landscaping plans, signage plans, exterior drawings for new buildings, and photographs of existing buildings if no changes are to be made to the exterior of the building.

III. Review Criteria

SHMC 17.80.040 includes the following review criteria that must be met for a conditional use application to be approved. Code criteria are written in ***bold italics*** and are followed by findings and conclusions.

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

1.1 Subject property is located at 1294 44th Avenue and is zoned Highway Commercial (C2). The proposed use is allowed in the C2 zoning district with Conditional Use approval.

1.2 SHMC 17.36.050, requires buildings in the C2 zoning district to be set back at least 20 feet from front property lines, three feet from an abutting nonresidential zoning districts, and 10 feet from an abutting residential district. The applicant's site plan demonstrates that the existing buildings meet the front and interior setback requirements (Attachment A).

1.3 SHMC 17.36.060, requires the maximum building coverage in the C2 zoning district to be 50 percent. The proposed vertical addition will not increase the amount of building coverage.

1.4 SHMC 17.36.070, requires the maximum building height in the C2 zoning district to be 35 feet. There is no maximum building size. The existing one-story office building is about 300 square feet, and the applicant proposes to construct an approximately 450 square-foot second floor. Typically, the height of each story in a building is based on ceiling height, floor thickness, and building material with a general average of about 14 feet. Therefore, the total height of the two-story structure will be well below that of the maximum building height and smaller in size than a typical single-family dwelling.

B. The site size, dimensions, location, topography, and access are adequate for the needs of the proposed use, considering, but not limited to, the following: 1) building size; 2) parking; 3) traffic; 4) noise; 5) vibration; 6) exhaust and emissions; 7) light and glare; 8) erosion; 9) odor; 10) dust; 11) visibility; 12) safety; 13) building, landscaping, or street features.

2.1 Subject property is located at 1294 44th Avenue and is zoned Highway Commercial (C2). The site is approximately 1.04 acres and is generally flat with little natural vegetation. The site has been recently improved with three self-serve storage buildings and office with associated parking and travel aisles. The proposal will add a caretaker dwelling above the existing office.

2.2 Access to the site is via an existing driveway from 44th Avenue and parking is provided via an existing parking lot. The self-serve storage use is not required to provide parking as patrons primarily park along provided travel aisle next to storage units to load and unload goods. Office use requires one parking space per 300 square feet of floor area. Accessory dwelling units require one parking space per accessory dwelling unit. The existing office is approximately 300 square feet (15-foot-wide by 19-foot-deep) and one accessory dwelling unit is proposed. Therefore, two parking spaces are required based on the existing and proposed uses. Two parking spaces are already established on-site. No changes or modifications are proposed to the existing parking lot or access.

2.3 Findings regarding building size are found under Criterion A, finding 1.5 and incorporated here by reference.

2.4 Lighting from the site is mitigated using lighting cutoff shields that direct lighting away from the edges of the site. Noise generated from activity at the site is mitigated by the generous amount of buffering described previously (particularly at the south property lines). Generally, outdoor activities on the site will be related to use of the self-serve storage as opposed to the caretaker dwelling.

2.5 The subject property is separated from surrounding properties by the existing fencing. The proposed caretaker dwelling will not present any safety issues that would require additional measures beyond those that will be addressed through the building permit review process.

2.6 The site has been designed to be open and provide high visibility to the adjacent street, as well as the parking and loading areas. The caretaker and patrons entering the site will be able to see their destination and the route to get there.

2.7 Dust is not anticipated as a result of trips to and from the site and/or living on the premise. Further, the caretaker dwelling and associated activities are not expected to generate vibrations, exhaust and emissions, or odors above and beyond what is common for a residential dwelling.

- 2.8 There is no minimum landscape area or screening standard for a caretaker dwelling. No additional landscaping or screening is proposed with this development.
- 2.9 This criterion is met.
- C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.**
- 3.1 The proposed use is a caretaker facility in association with an established self-serve storage facility. The caretaker dwelling will be a second story addition to the existing office.
- 3.2 The proposed use is allowed in the C2 zoning district with Conditional Use approval.
- 3.3 Certain uses are conditional uses instead of being allowed outright. They are subject to the conditional use regulations because they may have significant adverse effects on the environment, overburden public services, change the desired character of an area, or create major nuisances. A review of these proposed uses is required due to the potential individual or cumulative impacts they may have on the surrounding area or neighborhood. The conditional use process provides an opportunity to allow the use when there are minimal impacts, to allow the use but impose conditions to address identified concerns, or to deny the use if the concerns cannot be resolved. The conditional use process provides an opportunity to review projects for potential impacts and impose conditions to address any identified concerns.
- 3.4 The subject property is located in the C2 zoning district. SHMC 17.36.010, states that the purpose of the C2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C2 zone is appropriate in areas along the Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential, or such activities as long as sufficient vehicular access control is maintained.”
- 3.5 The subject property is bordered by Santiam Highway/Highway 20 to the north and 44th Avenue to the east. All abutting land is zoned C-2. To the west are commercial enterprises. To the south is unimproved land and a single-family residence. As noted above, the C2 district is to provide highway related commercial enterprises and acts as a transitional or buffer zone between residential and more intense commercial or industrial districts. In this case, the strip of C2 zoned land, that lies to the south of Santiam Highway/Highway 20, acts as a buffer between Santiam Highway/Highway 20 and residentially zoned land to the south.
- 3.6 The self-serve storage facility is open daily from 6 a.m. to 8 p.m. The caretaker dwelling would house an on-site employee of the self-storage facility that will be responsible for the day-to-day operations of the storage facility including overseeing any on-site visits, light maintenance, janitorial services, and administrative functions.
- 3.7 The proposed caretaker residence would be ancillary to the primary commercial use of the site. An on-site presence of an otherwise unmonitored site will help to ensure the site is regularly maintained and monitored, which will have positive impact on adjacent properties and the public. Therefore, this criterion is met.

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

4.1 City utility maps show an 8-inch public sanitary sewer main in Santiam Highway/Highway 20 and 44th Avenue. The existing office building on the property is currently connected to the public sanitary sewer system.

4.2 City utility maps show a 12-inch public water main in Santiam Highway/Highway 20 and 10-inch water main in 44th Avenue. The existing office building on the property is currently connected to the public water system.

4.3 The proposal will not increase the amount of impervious surface area.

4.4 Public utilities (sanitary sewer, water, storm drainage) are adequate to serve the proposed use.

4.5 Any specific utility requirements for the proposed development would be determined during the building permit review process. Therefore, this criterion is met.

E. Home occupations must meet the following standards: 1) the home occupation shall be secondary to the residential use; 2) all aspects of the home occupation shall be contained and conducted within a complete enclosed building; 3) no materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.

5.1 The proposal does not include a home occupation; therefore, this criterion is not applicable.

F. Marijuana facilities must meet the following standards: 1) marijuana facilities must be located in a fixed location. 2) Marijuana facilities may not have any drive-up services; 3) marijuana facilities must be located at least 1,000 feet from property boundary of any school; 4) marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

6.1 The proposal does not include a marijuana facility; therefore, this criterion is not applicable.

IV. OVERALL CONCLUSION

Based on the above analysis, the proposed caretaker's residence meets all the applicable review criteria as outlined above.

V. ATTACHMENTS

A. Site Map



City of Sweet Home

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

Staff Report Presented to the Planning Commission

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

APPLICANT: Sam Burton

PROPERTY OWNER: Robert Samuel and Leorah Burton

FILE NUMBER(S): CU21-02

PROPERTY LOCATION: 628 9th Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31CA Tax Lot 29800.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.24.030, 17.80.040

HEARING DATE & TIME: **April 5, 2021 at 6:30 PM**

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

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

REPORT DATE: March 29, 2021

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

Floodplain: Based on a review of the FEMA FIRM Maps; Panel 41043C0913G dates September 29, 2010, the subject property is not located in the 100-year floodplain.

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

Access: The subject property has frontage along 9th Avenue; however the parcel will be accessed via the driveway on 701 8th Avenue, also owned by the applicant.

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

TIMELINES AND HEARING NOTICE:

Application Received: February 26, 2021

Application Deemed Complete: February 26, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: March 1, 2021

Notice Published in New Era Newspaper: March 3, 2021

Date of Planning Commission Hearing: April 5, 2021

120-Day Processing Deadlines: June 26, 2021

II. COMMENTS

CEDD Engineering: The CEDD-ES has one issue to note with this application. With the application criteria limiting driveway access to 9th Ave, it is recommended that the apron be removed, and a standard sidewalk section replace the curb and driveway. There is also a tripping hazard of tilted concrete sidewalk panels a few feet south of the driveway, that while not part of the access apron, is a liability, and is the adjacent homeowner's responsibility. The resident owned house is connected to city services and accesses 8th Ave, access to this parcel with the proposed structure will access 8th Ave also. CEDD-ES has no concerns other than the recommendation of removal of the 9th Ave driveway apron and construction of level sidewalk and curb.

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

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

Sweet Home Fire District: The Fire District has no concerns with the request

Public Comment: See Attachment C

III. REVIEW AND DESIGN CRITERIA

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

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

Staff Findings: Staff finds that the applicants request complies with the underlying zone, city codes, state and federal laws. A secondary use on a lot without a primary use is allowed per a conditional use. [SHMC 17.24.030 (L)]

The application complies with this criterion.

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

1. **Building size;**
2. **Parking;**
3. **Traffic;**
4. **Noise;**
5. **Vibration;**
6. **Exhaust and emissions;**
7. **Light and glare;**
8. **Erosion;**
9. **Odor;**
10. **Dust;**
11. **Visibility;**
12. **Safety;**
13. **Building, landscaping or street features [17.80.040(B)].**

Staff Findings: The applicant is requesting this conditional use permit to allow a secondary use on a lot without a primary use. A secondary use on a lot without a primary use is allowed per a conditional use. [SHMC 17.24.030 (L)] Staff finds the site size, dimensions, location, topography and access are adequate for the needs of the proposed use. The Staff Engineer recommends the driveway apron be removed along 9th Avenue, and a standard sidewalk section replace the curb and driveway. There is also a tripping hazard of tilted concrete sidewalk panels a few feet south of the driveway, that while not part of the access apron, is a liability, and is the adjacent homeowner's responsibility

The application complies with this criterion.

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

Staff Findings: The applicant is requesting this conditional use permit to allow a secondary use on a lot without a primary use. Staff finds that no potential impacts are identified.

The application complies with this criterion.

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

Staff Findings: The applicant is requesting this conditional use permit to allow a secondary use on a lot without a primary use, so there would be minimal traffic or parking impact and no need for any public facilities improvements.

The application complies with this criterion.

E. Home occupations must meet the following standards:

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

Staff Findings: The applicant is not proposing a home occupation

The application complies with this criterion.

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

- 1. These conditions may include, but are not limited to, the following:**
 - a) Requiring larger setback areas, lot area, and/or lot depth or width;**
 - b) Limiting the hours, days, place and/or manner of operation;**

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

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

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

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

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions If the Application is Approved:

1. The construction and use of the proposed secondary use will be conducted in a manner consistent with the representations made by the applicant in the application and hearing process.
2. Staff recommends that the 9th Avenue driveway apron be removed, and a standard sidewalk section replace the curb and driveway. Staff also recommends that the applicant fix the tilted concrete sidewalk panels a few feet south of the driveway.
3. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.

V. PLANNING COMMISSION ACTION

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

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

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

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

1. Move to approve application CU21-02; 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 applications CU21-02; 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.

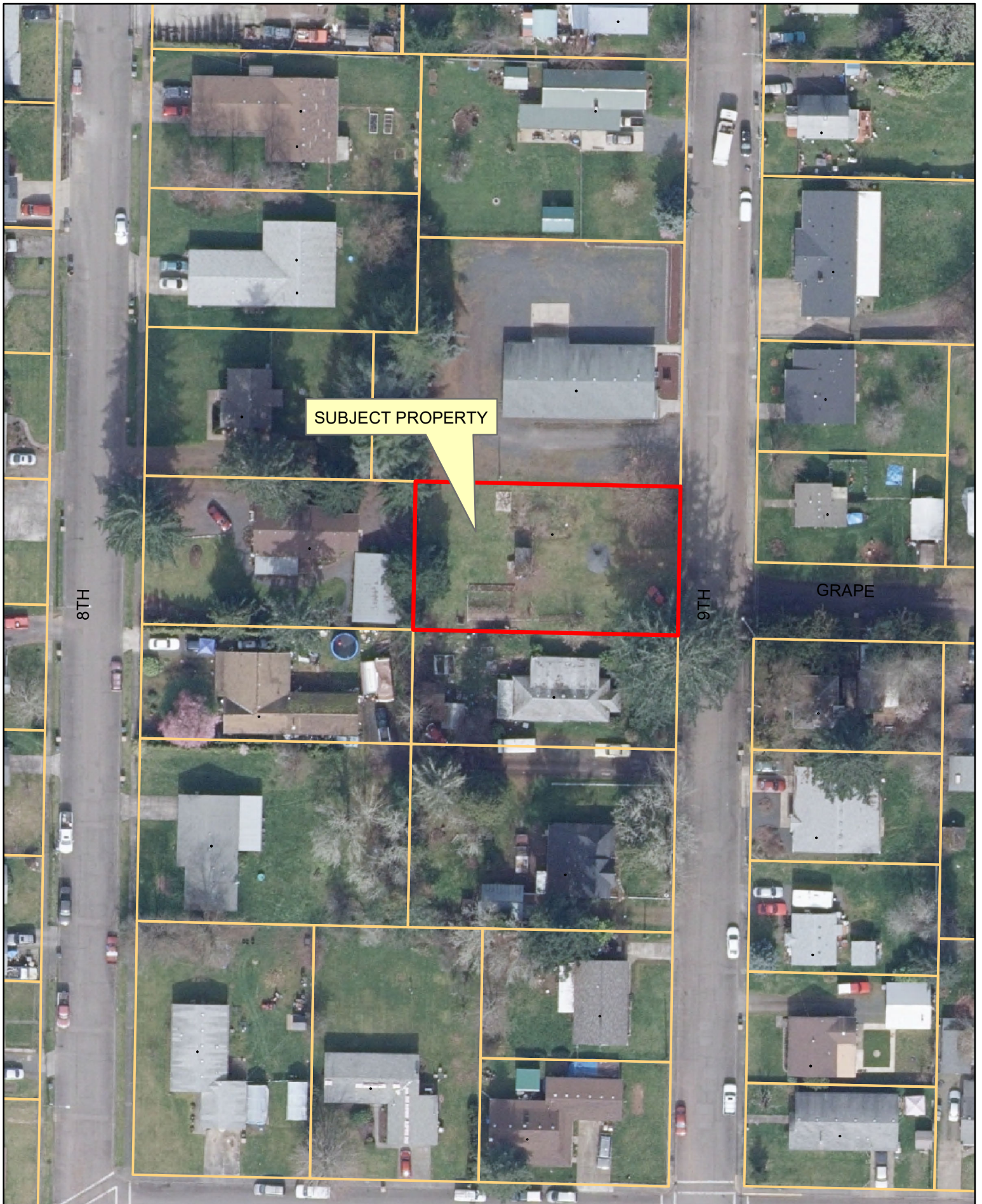
VI. ATTACHMENTS

- A. Subject Property Map
- B. Site Plan

C. Public Comments

D. Application

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



1 inch = 64 feet

Subject Property Map
CU21-02
628 9th Avenue

Date: 02/26/21

Carol and Terry Lewis
25751 Brush Creek Road
Sweet Home, OR 97386

March 6, 2021

Sweet Home Community and Economic Department

3225 Main Street

Sweet Home, OR 97386

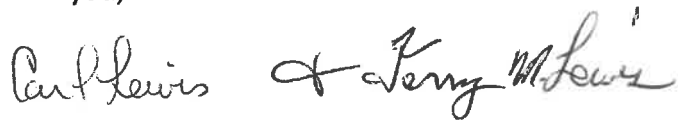
Attn: Angela Clegg, Planning Commission

RE: Conditional Use Permit Request, CU 21-02, 628 9th Avenue

The request for a Conditional Use Permit for the property owned by Robert Samuel and Leorah Burton, located at 628 9th Avenue, is an excellent use of the subject property in conjunction with their home property located on 8th Avenue. The request meets the setback requirements and the maximum allowed size of an accessory structure in the zone, preserving the remainder of the parcel for future development.

We believe this will be a positive addition to the neighborhood, as has all the work done on this parcel to date. We support Conditional Use Permit Request, CU 21-02, 628 9th Avenue.

Thank you,

A handwritten signature in cursive script that reads "Carol Lewis & Terry Lewis". The ink is dark and the signature is fluid.

Carol and Terry Lewis

Owners: 555 9th Avenue



City of Sweet Home

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

Application for a Conditional Use Permit

Date Received: 02.26.21
Date Complete: 02.26.21
File Number: CU21-02
Application Fee \$: 615.00
Receipt #: 4247
Hearing Date: 04.05.21

Applicant's Name:

Sam Burton

Applicant's Address:

701 8th Ave, Sweet Home, OR 97386

Applicant's Phone and e-mail:

458-209-0248 burton.robert@comcast.net

Subject Property Address:

628 9th Ave, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:

3S01E31CA-9800

Subject Property Size:

10917 SQ FT

Subject Property: Zoning Classification

R-1

Property Owner:

Robert Samuel & Leorah Burton

Owner's Address:

701 8th Ave, Sweet Home, OR 97386

Owner's Phone and email:

458-209-0248 burton.robert@comcast.net

Nature of Applicants Request

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

See separate narrative

Comprehensive Plan Classification:

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

Submittal Requirements

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

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

Applicant's Signature:

Robert A. Burton

Date:

2-26-2021

Property Owner's Signature:

Robert A. Burton

Date:

2-26-2021

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

SHMC 17.80.030 APPLICATION REQUIREMENTS

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

- ☒ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- ☒ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- ☒ 3. For commercial activities, a proposed plan of business operation;
- ☒ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- ☒ 5. The location and dimensions of entrances and exits;
- ☒ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- ☒ 7. Landscape plans;
- ☒ 8. A signage plan, if applicable;
- ☒ 9. Drawings of the exterior for new buildings;
- ☒ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

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

- ☒ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- ☒ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - ☒ 1. Building size
 - ☒ 2. Parking
 - ☒ 3. Traffic
 - ☒ 4. Noise
 - ☒ 5. Vibration
 - ☒ 6. Exhaust and emissions
 - ☒ 7. Light and glare
 - ☒ 8. Erosion
 - ☒ 9. Odor
 - ☒ 10. Dust
 - ☒ 11. Visibility
 - ☒ 12. Safety
 - ☒ 13. Building, landscaping or street features
- ☒ C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
- ☐ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- ☐ E. Home occupations must meet the following standards:
 - ☐ 1. The home occupation shall be secondary to the residential use.
 - ☐ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
 - ☐ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
 - ☐ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic
- ☐ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- ☐ G. Marijuana facilities may not have any drive-up services.
- ☐ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- ☐ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.

Sam Burton conditional use application supplemental information

The purpose of this conditional use application is to allow for a non-dwelling accessory building to be built on the property.

SHMC 17.80.030

1. See site plan
2. The purpose of this conditional use application is to allow for a non-dwelling accessory building to be built on the property.
3. N/A
4. N/A
5. This property has an existing access to 9th Avenue, See site plan.
6. N/A
7. N/A
8. N/A
9. See plans
10. N/A

**City of Sweet Home**

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

Staff Report Presented to the Planning Commission

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

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

APPLICANT: Lorri Rai Roberts

PROPERTY OWNER: Donald and Lorri Roberts

FILE NUMBER(S): CU21-03

PROPERTY LOCATION: 2250 Ironwood Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32CA Tax Lot 05800.

REVIEW AND DESIGN CRITERIA: Sweet Home Municipal Code Section(s) 17.24.030, 17.80.040

HEARING DATE & TIME: **April 5, 2021 at 6:30 PM**

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

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

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	Residential High Density (R-2)	Medium Density Residential
Property East	Residential Low Density (R-1) Residential High Density (R-2)	Medium Density Residential
Property South	Residential Low Density (R-1)	Low Density Residential
Property West	Residential Low Density (R-1)	Medium Density Residential

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

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

Access: The subject property has frontage along Ironwood Street.

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

TIMELINES AND HEARING NOTICE:

Application Received: February 26, 2021

Application Deemed Complete: February 26, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: March 1, 2021

Notice Published in New Era Newspaper: March 3, 2021

Date of Planning Commission Hearing: April 5, 2021

120-Day Processing Deadlines: June 26, 2021

II. COMMENTS

CEDD Engineering: Regarding CU21-03, for the home occupation at 2250 Ironwood St, the CEDD-ES have no concerns.

Public Works Division: Public Works has no issues with this request.

Building Division: The Building Program has no issues with this request for a Conditional Use.

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

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

III. REVIEW AND DESIGN CRITERIA

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

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

Staff Findings: A home occupation is defined as: “a lawful occupation carried on by a resident of a dwelling, where the occupation is secondary to the main use of the property as a residence.” [SHMC 17.04.030 Definitions]

The standards for home occupations are listed in SHMC 17.80. Home occupations are not discussed in the individual zoning chapters. Based on the above, it is staff’s interpretation of the SHMC that home

occupations can be established accessory to a residential use under the conditional use criteria listed in SHMC 17.80.

With the application of SHMC 17.80 and the above referenced condition, the application complies with this criterion.

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

1. Building size;
2. Parking;
3. Traffic;
4. Noise;
5. Vibration;
6. Exhaust and emissions;
7. Light and glare;
8. Erosion;
9. Odor;
10. Dust;
11. Visibility;
12. Safety;
13. Building, landscaping or street features [17.80.040(B)].

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

The application complies with this criterion.

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

Staff Findings: The applicant has proposed a cosmetology and counseling service business. The home occupation would consist of cosmetology and counseling services operated by a resident of the property within the dwelling located on the property. The applicant expects to see between zero and four clients per day with hours ranging from one to four per client. The applicant will contain all parking on the subject property. The applicant will be the only employee. No potential impacts are identified.

The application complies with this criterion.

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

Staff Findings: As the proposed use has no employees. The client stated she will have 0-4 clients per day visiting the home. There would be no traffic or parking impact and no need for any public facilities improvements.

The application complies with this criterion.

E. Home occupations must meet the following standards:

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

Staff Findings: No additional vehicles would be involved in the home business other than the normal vehicles associated with a residential use. The applicant stated she will have 0-4 clients per day visiting the home. The applicant will contain all parking on the subject property. Staff finds that there would be no traffic or parking impact

The application complies with this criterion.

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

- 1. These conditions may include, but are not limited to, the following:**
 - a) Requiring larger setback areas, lot area, and/or lot depth or width;**
 - b) Limiting the hours, days, place and/or manner of operation;**

- c) Requiring site or architectural design features that minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor or dust;
- d) Limiting the building height, size or lot coverage, or location on the site;
- e) Designating the size, number, locations and/or design of vehicle access points, parking areas, or loading areas;
- f) Increasing the number of required parking spaces;
- g) Requiring street 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;
- h) Limiting the number, size, location, height and lighting of signs;
- i) Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
- j) Requiring fencing, screening, landscaping, berms, drainage, water quality facilities or other facilities to protect adjacent or nearby property, and the establishment of standards for their installation and maintenance;
- k) Designating sites for open space or outdoor recreation areas;
- l) Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, and historic or cultural resources;
- m) Requiring ongoing maintenance of buildings and grounds;
- n) Setting a time limit for which the conditional use is approved. [SHMC 17.80.050(A)]

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed in order to ensure compliance with the "decision criteria as well as the best interests of the surrounding properties, the neighborhood, and the city as a whole." As specified in SHMC 17.80.050, conditions could include, but are not limited to: expanding setbacks, limiting hours of operation, requiring site or architectural design features, imposing additional sign standards, and so forth.

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

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

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

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions If the Application is Approved:

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

V. PLANNING COMMISSION ACTION

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

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

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

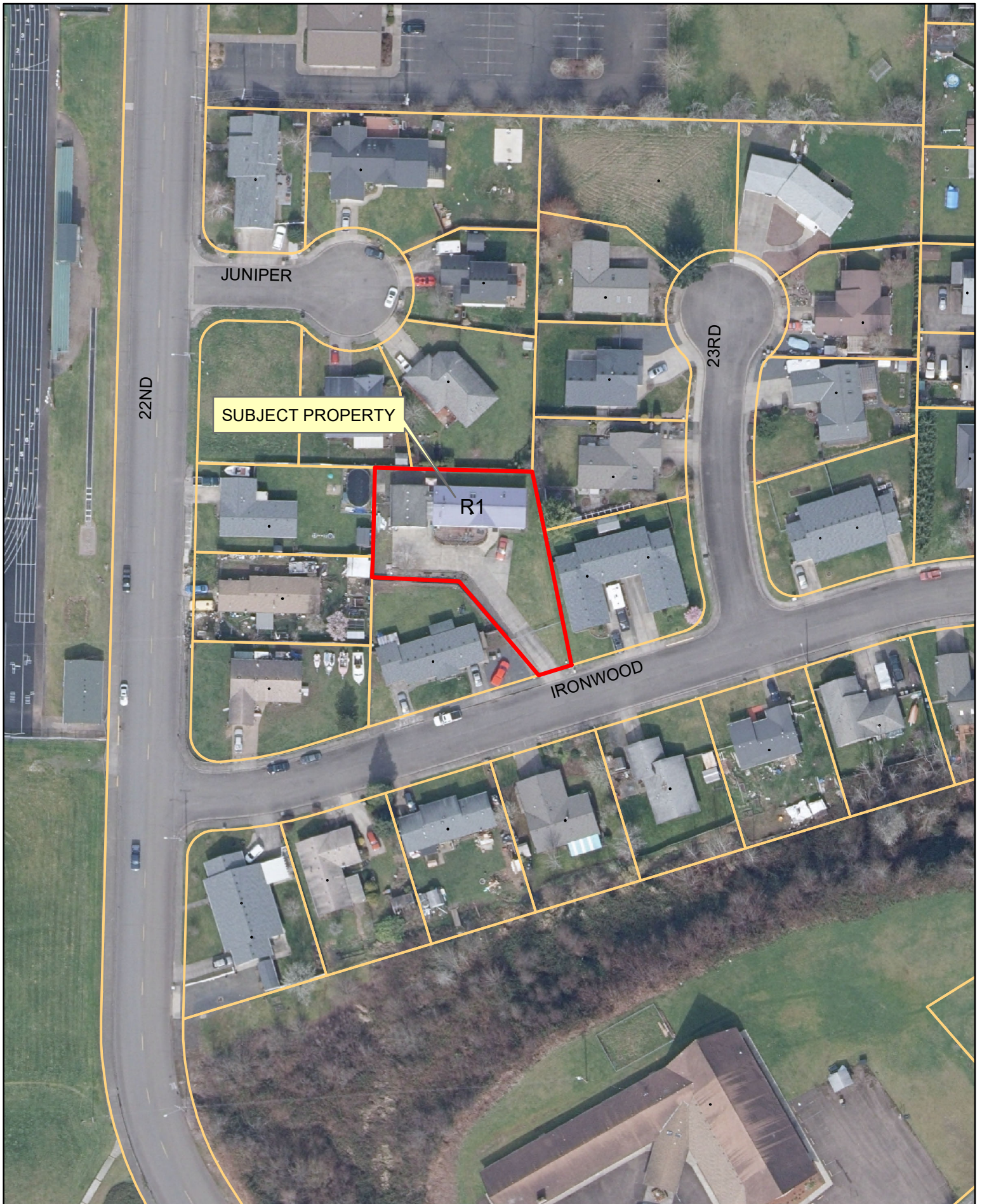
Motion : After opening the public hearing and receiving testimony, the Planning Commission's options include the following :

1. Move to approve application CU21-03; which includes: adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU21-03; 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. Application

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



1 inch = 89 feet

Subject Property Map
CU21-03
2250 Ironwood Street

Date: 02/26/21



1 inch = 64 feet 32" entagway door

2250 Ironwood

Exits X
Sign X
Parking X

Room of
Basement

Date: 02/26/21



City of Sweet Home

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

Application for a Conditional Use Permit

Date Received: 02.26.21

Date Complete: 02.26.21

File Number: CU21-03

Application Fee \$: 615.00

Receipt #: 4248

Hearing Date: 04.05.21

Applicant's Name: Lorn Rai Roberts

Applicant's Address: 2250 Ironwood Street Sweet Home, OR 97386

Applicant's Phone and e-mail: 541-405-5320 rowerrai@paol.com

Subject Property Address: 2250 Ironwood Street Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot: Map: 13S01E32CA Tax Lot: 5800

Subject Property Size:

Subject Property: Zoning Classification

R-1

Comprehensive Plan Classification:

Medium Density

Nature of Applicants Request

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

Proposed Use: Cosmetology/Counseling services zero to four patrons per day receiving multiple hair, face, nails & counseling services ranging one to four hours per patron. See attached

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

Neighborhood impact would be traffic of zero to four patrons a day, one to two hours apart. Parking contained within property - zero street parking.

Submittal Requirements

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

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

Applicant's Signature: Lorn Roberts

Date: 2/26/2021

Property Owner's Signature: Donald A. Roberts

Date: 2/26/2021

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

SHMC 17.80.030 APPLICATION REQUIREMENTS

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

- ☐ 1. A site plan drawn to scale showing the dimensions and arrangement of the proposed development on the subject lot;
- ☐ 2. Narrative describing the proposed use and the impacts on the neighborhood;
- ☐ 3. For commercial activities, a proposed plan of business operation;
- ☐ 4. Off street parking and on-site circulation plans for vehicles, bicycles, and pedestrians;
- ☐ 5. The location and dimensions of entrances and exits;
- ☐ 6. A Traffic Impact Study, if required by the City Engineer and the City Planner;
- ☐ 7. Landscape plans;
- ☐ 8. A signage plan, if applicable;
- ☐ 9. Drawings of the exterior for new buildings;
- ☐ 10. Photographs of existing buildings if no changes are to be made to the exterior of the building.

SHMC17.80.040 CONDITIONAL USE CRITERIA.

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

- ☐ A. The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
- ☐ B. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:
 - ☐ 1. Building size
 - ☐ 2. Parking
 - ☐ 3. Traffic
 - ☐ 4. Noise
 - ☐ 5. Vibration
 - ☐ 6. Exhaust and emissions
 - ☐ 7. Light and glare
 - ☐ 8. Erosion
 - ☐ 9. Odor
 - ☐ 10. Dust
 - ☐ 11. Visibility
 - ☐ 12. Safety
 - ☐ 13. Building, landscaping or street features
- ☐ C. Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
- ☐ D. All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
- ☐ E. Home occupations must meet the following standards:
 - ☐ 1. The home occupation shall be secondary to the residential use.
 - ☐ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
 - ☐ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
 - ☐ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic
- ☐ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
- ☐ G. Marijuana facilities may not have any drive-up services.
- ☐ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
- ☐ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.



1 inch = 64 feet 32" entagway door

2250 Ironwood

Exits X
Sign X
Parking X

Room of
Basement

Date: 02/26/21

February 26, 2021

Lorri Roberts
2250 Ironwood Street
Sweet Home, OR 97386

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

Regarding:
Application for Conditional Use Permit

To Whom It May Concern,

This narrative is submitted in regard to business owner Lorri Roberts requesting a conditional permit to establish a commercial business within the homeowner's property belonging to Donald and Lorri Roberts at 2250 Ironwood in Sweet Home, OR 97386. The scope of practice by Lorri Roberts would be Cosmetology and Counseling of which are practiced in tandem presently as freelance only.

Licenses involved with this proposed use are Freelance Authorization COS-CI-10209545, Cosmetology Facility COS-FA-10209547, Certified Alcohol and Drug Counselor I and Qualified Mental Health Professional-Registered. All licensing is up to date and free and clear of any issues.

Business owner will keep all required licensing updated with Oregon Health Licensing in regard to cosmetology care as well as all required counseling licensing with Mental Health and Addiction Certification Board of Oregon. The business will not employ technicians or aides outside of business owner and will be operated by Lorri Roberts solely.

The area of the home to be used for services is a 12' 6" by 12' 6" room with walls floor to ceiling and door that shuts off from the rest of the house. The bathroom next to the room proposed for commercial business use has been set up as safe for public use and fully closes off from the rest of the house. The house has two exits both to be marked with "emergency exit" signs and a map to them in the room being used for the proposed business.

Business owner will strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in 17.80.040 in regard to parking, traffic and noise levels.

Clients will be instructed and required to park within property driveway area of which has plenty of space to turn around allowing driver to safely exit property with clear vision of outside property activity of neighbors and traffic flow.

Hours of operation shall be limited to between 9:00 A.M. and 9:00 P.M. with no walk-ins allowed but by established appointment only. Level of traffic of clients will be no more than zero to four clients a day with no less than an hour between each appointment.

Proposed signage: 4' by 2' white metal board containing the information of the business name; Rai's Full Service Salon, by appt only—no walk-ins and a phone number to make an appointment that is planned to be attached to the left side of front cyclone fence line facing the street of Ironwood upon approval:



Thank you very much for your time and consideration of this application for a Conditional Use Permit.

Sincerely,

Lorri Roberts MA, CADC I, QMHP-R

541-405-5320

rowerairai@aol.com