



# CITY OF SWEET HOME PLANNING COMMISSION AGENDA

April 07, 2022, 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.

## Meeting Information

The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the meeting live, online visit <http://live.sweethomeor.gov>. If you don't have access to the internet, you can call in to 541-367-5128, choose option #1 and enter the meeting ID to be logged in to the call. Meeting ID: 947 077 522#

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## Call to Order and Pledge of Allegiance

## Roll Call of Commissioners

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

## Meeting Minutes:

- a) [March 17, 2022 Meeting Minutes](#)

## Public Hearings

**Application CU22-04:** The applicant is requesting a conditional use permit to allow for a Public Utility Facility in a Residential Low Density (R-1) Zone. A Public Utility Facility is allowed via a Conditional Use per SHMC 17.24.030.H. A new Conditional Use application shall be processed if a proposed change results in a change to lot or parcel boundaries and if there is an increase in the amount of operational activity; SHMC 17.80.060.A.3 and 5. The Wastewater Treatment Plant is an existing facility. The applicant applied for Property Line Adjustments (PLA20-07, PLA20-08, PLA20-09 and PLA20-10) and is proposing modifications to the existing facility triggering a new Conditional Use application. The subject properties are in the Residential Low Density (R-1) Zone.

**Application CU22-05:** The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of teeth whitening and cosmetic services operated by a resident of the property within the dwelling located on the property. The applicant expects to see one client at a time and operate no later than 9:00 PM. The applicant will contain all parking on the subject property. The applicant will be the only employee.

**Application CU22-06:** The applicant is requesting a conditional use permit to allow for a single-family residence in a Commercial Highway Zone. Single-family residences or manufactured homes meeting standards 17.24.090 are allowed via a Conditional Use per SHMC 17.36.030.E. The subject property contains approximately 6,514 square feet and is in the Commercial Highway (C-2) Zone.

**Application CU22-07:** The applicant is requesting a conditional use permit to allow for duplexes in a Residential Low-Density Zone. Duplexes not meeting SHMC 17.25.020(B) are allowed via a Conditional Use per SHMC 17.24.030(M). The subject property contains approximately 142,523 square feet and is in the Residential Low-Density (R-1) Zone.

- a) [Conditional Use Application CU22-04](#)
- b) [Conditional Use Application CU22-05](#)
- c) [Conditional Use Application CU22-06](#)
- d) [Conditional Use Application CU22-07](#)

## **Housing Needs Analysis**

### **Staff Updates on Planning Projects:**

### **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 17, 2022, 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 meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. The City of Sweet Home is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. To view the meeting online visit [live.sweethomeor.gov](https://live.sweethomeor.gov). If you don't have access to the internet, you can call in to +1 971-203-2871 and you'll be asked to choose option #1 to be logged in to the call. Meeting ID: 379 062 887#. This video stream and call-in options meet the requirements for Oregon public meeting law.

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## Call to Order and Pledge of Allegiance

The meeting was called to order at 6:34 PM

## Roll Call of Commissioners

### PRESENT

Laura Wood  
Jamie Melcher  
Jeffrey Parker  
Greg Stephens  
Eva Journey

### ABSENT

Henry Wolthuis  
David Lowman

### STAFF

Associate Planner Angela Clegg  
Community and Economic Development Director Blair Larsen

### VISITORS

Maggie Georgilas, Pacific Bells, 111 W 39th, Vancouver, WA 98660  
Jeremy Wagner, Excel Engineering, 100 Camelot Drive, Fond du Lac, WI 54935  
David Gray, Pacific Bells, 111 W 39th, Vancouver, WA 98660  
John Whittaker, 1600 Valley River Drive, Ste 160, Eugene, OR 97401

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

## Meeting Minutes:

- a) 2022-03-03 Planning Commission Meeting Minutes

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

Voting Yea: Wood, Melcher, Parker, Stephens, Journey



## Public Hearings

**Application CU22-03:** The applicant is requesting a conditional use permit to allow for a drive-in service facility in the Commercial Central (C-1) Zone. In a C-1 zone, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 17.80: Any use permitted in a C-1 zone with customer drive-in service facilities [SHMC 17.32.030(E)]. The subject property is in the Central Commercial (C-1) Zone.

a) CU22-03 Staff Report

The Public Hearing was opened at 6:34 PM.

Commissioner Parker asked of the Committee if there were any Ex Parte, conflicts of Interest or Personal Bias, there was none.

Associate Planner Clegg gave a brief report and reminded the Commission that the Public Hearing is a continuation of the March 3, 2022 Public Hearing for Application CU22-03.

Maggie Georgilas of Pacific Bells, representing the applicant, addressed the concerns from the Commission at the March 3, 2022 Planning Commission meeting. Georgilas explained the Taco Bell design process and stated that the design that was submitted to the Commissioners was approved by Safeway. There was further discussion about the number of cars that could access the drive through. Commissioner Stephens asked about parking. CEDD Director Larsen reminded the Commission that the Conditional Use application is for the drive through only. Larsen stated that the parking requirement is met. Georgilas explained the parking agreement with Safeway. Commissioner Melcher and Commissioner Wood asked the applicant where Taco Bell thought the excess drive through traffic would flow, especially during peak hours. Georgilas explained that Taco Bell can't direct traffic, so the traffic flow will be determined by the customers. She stated that the property owner, John Whittaker, plans to simultaneously demolish the building to north with the building where the new Taco Bell will be located. With the demolition of the building to the north, excess traffic could be routed through the northern property. Georgilas stated that typically they see traffic flow die down and establish a pattern after the first 30 days. Whittaker confirmed that he will demolish the northern building. Commissioner Parker asked about alternate design layouts. Georgilas explained that they went through other options and the option presented was one that Safeway approved and also followed the city code requirements. Commissioner Wood asked if there would be signs to direct traffic flow. Georgilas stated that they got approval from Safeway and if traffic became a problem in the future, the property owner could adjust the property to the north to alleviate traffic flow. Whittaker agreed to Georgilas statement. Commissioner Jurney stated she appreciated that the applicants listened to the Commissions concerns. Associate Planner Clegg shared the site plan showing the existing utility layout. CEDD Director Larsen stated that staff reviewed other versions of the site layout, and considering the site restraints, felt the version in front of the Commissioners was the best option.

The Public Hearing was closed at 7:05 PM

Motion to approve the application was made by Wood, Seconded by Jurney.

Voting Yea: Wood, Melcher, Jurney

Voting Nay: Parker, Stephens

Absent: Wolthuis, Lowman

## Staff Updates on Planning Projects:

Draft Code Revision Updates

- a) Article 1 and Article 2 Code Revisions
- b) Additional Code Revisions

CEDD Director Larsen discussed the Housing Needs Analysis project with the Commissioners. Larsen asked the Commission if they would like to serve as the advisory committee for the analysis. Staff and the Commissioners discuss the duties, schedule and responsibilities. The Commission agreed to act as the advisory committee.

Larsen discussed the code update next steps.

Clegg gave an update of pending planning applications.

## **Adjournment**

The meeting adjourned at 7:36 PM

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

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Jeffrey 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

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**Staff Report Presented to the Planning Commission**

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**REQUEST:** The applicant is requesting a conditional use permit to allow for a Public Utility Facility in a Residential Low Density (R-1) Zone. A Public Utility Facility is allowed via a Conditional Use per SHMC 17.24.030.H. A new Conditional Use application shall be processed if a proposed change results in a change to lot or parcel boundaries and if there is an increase in the amount of operational activity; SHMC 17.80.060.A.3 and 5. The Wastewater Treatment Plant is an existing facility. The applicant applied for Property Line Adjustments (PLA20-07, PLA20-08, PLA20-09 and PLA20-10) and is proposing modifications to the existing facility triggering a new Conditional Use application. The subject properties are in the Residential Low Density (R-1) Zone.

Applications PLA20-07, PLA20-08, PLA20-09, and PLA20-10 were approved via Administrative Decision on November 17, 2020.

**APPLICANT:** The City of Sweet Home

**PROPERTY OWNER:** The City of Sweet Home

**FILE NUMBER:** CU22-04

**PROPERTY LOCATION:** 1359 Pleasant Valley Road, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lots 600, 1100, 1300, 1501, and 1502.

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code Section(s) 17.24.030, and 17.80.060.

**HEARING DATE & TIME:** April 7, 2022, at 6:30 PM

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

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

**REPORT DATE:** March 31, 2022

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

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

Property South	Commercial Highway (C-2)	Medium Density Highway Commercial
Property West	Residential Low Density (R-1)	Low Density Residential

**Floodplain:** Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property is in the Zone AE Special Flood Hazard Area.

Based on the ArcGIS map, the eastern portion of the subject property is in the South Santiam River / Ames Creek 100-year floodplain.

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

**Access:** The subject property has frontage and access along a City Facilities Access from Pleasant Valley Road.

**Services:** The subject property has access to City water and sewer services through the center of the property.

#### TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: February 23, 2022

Notice Published in Newspaper: March 2, 2022

Planning Commission Public Hearing: April 7, 2022

120-Day Deadline: June 23, 2022

Notice was provided as required by SHMC 17.12.120

## **II. COMMENTS**

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

**Joe Graybill  
Engineering Division:** Regarding the Conditional Use application for the WWTP Public Utility Facility at Pleasant Valley Road, the CEDD-ES have no concerns. It is an existing facility that will be modified and upgraded and will continue to be used as it has been.

**Trish Rice  
Public Works Dept.** The Public Works Department has no issues with this request.

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

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

### III. REVIEW AND DECISION CRITERIA

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

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

Staff Findings: The subject property is in the R-1 zone. The applicant is requesting a conditional use permit to allow for a Public Utility Facility in a Residential Low Density (R-1) Zone. A Public Utility Facility is allowed via a Conditional Use per SHMC 17.24.030.H. A new Conditional Use application shall be processed if a proposed change results in a change to lot or parcel boundaries and if there is an increase in the amount of operational activity; SHMC 17.80.060.A.3 and 5.

The Wastewater Treatment Plant is an existing facility. The applicant applied for Property Line Adjustments (PLA20-07, PLA20-08, PLA20-09 and PLA20-10) and is proposing modifications to the existing facility triggering a new Conditional Use application. The subject property is in the Residential Low Density (R-1) Zone.

Applications PLA20-07, PLA20-08, PLA20-09, and PLA20-10 were approved via Administrative Decision on November 17, 2020.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-04.

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

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

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

Staff Findings: The Wastewater Treatment Plant is an existing facility on the subject property. Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

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

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

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

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

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

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

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

- E. Home occupations must meet the following standards:**

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

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

- F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]**
- G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]**
- H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]**
- I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]**

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

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed 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.

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

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

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

#### **IV. 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 Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU22-04:

1. The property owner shall obtain and comply with all applicable local, state, and federal permits and requirements.
2. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

#### **V. PLANNING COMMISSION ACTION**

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff 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.

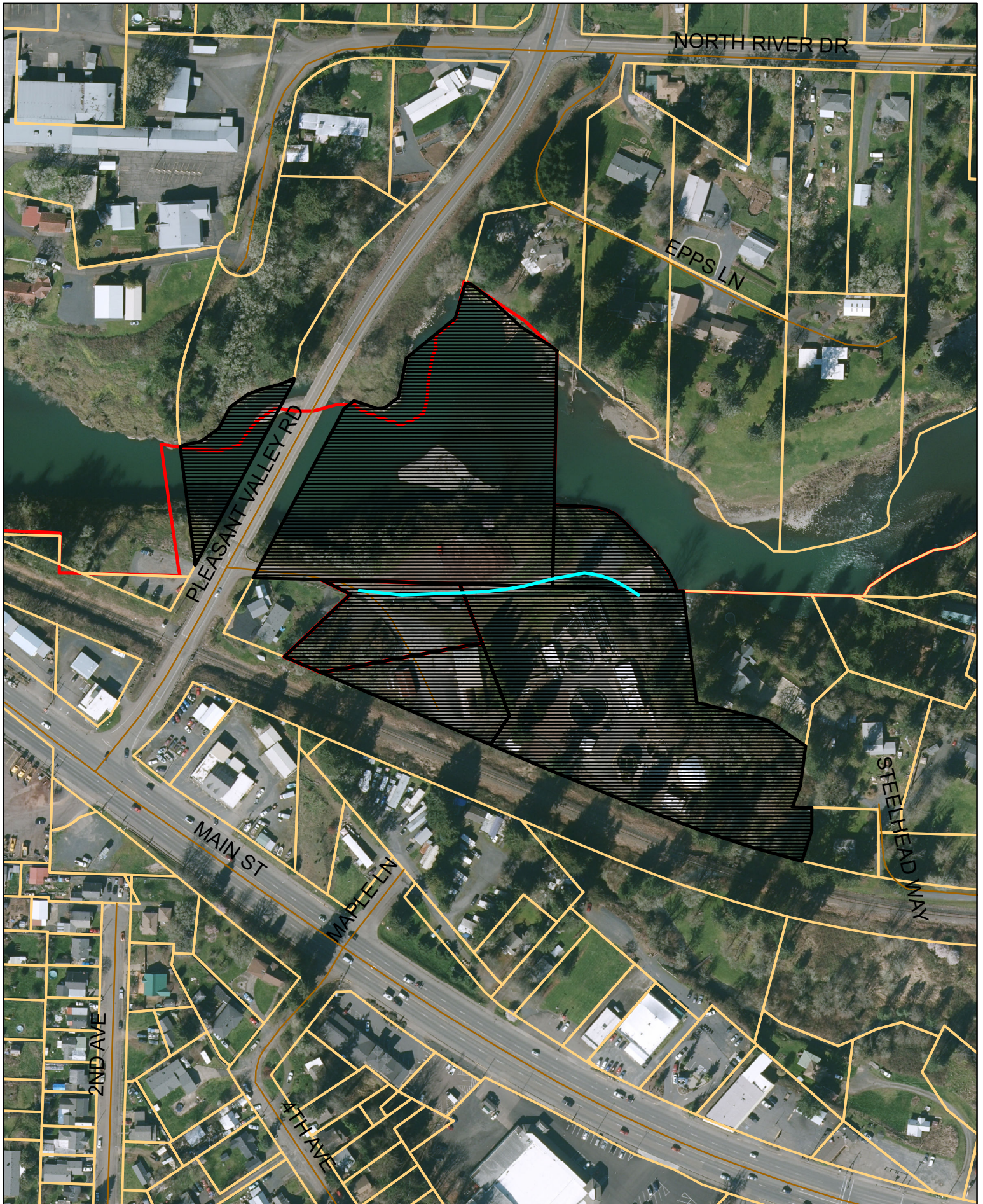
Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-04; 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 CU22-04; 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
- C PLA20-07
- D PLA20-08
- E PLA20-09
- F PLA20-10





1 inch = 214 feet

Subject Property Map  
CU22-04  
1359 Pleasant Valley Road

Date: 2/23/22

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# ATTACHMENT B



**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: 02.15.22  
Date Complete: 02.23.22  
File Number: CU22-04  
Application Fee \$: 615.00  
Receipt #:   
Hearing Date: 04.07.22

### Applicant's Name:

The City of Sweet Home

### Applicant's Address:

3225 Main Street, Sweet Home, OR 97386

### Applicant's Phone and e-mail:

541-367-8113, aclegg@sweethomeor.gov

### Subject Property Address:

1359 Pleasant Valley Road, Sweet Home, OR 97386

### Subject Property Assessor's Map and Tax Lot:

13S01E31BB 600, 1100, 1300, 1501, 1502 (Adjusted via PLA20-07, PLA20-08, PLA20-09, and PLA20-10)

### Subject Property Size:

456,976 SF (per PLA20-07, PLA20-08, PLA20-09, PLA20-10)

### Subject Property: Zoning Classification

Residential Low Density (R-1)

### Property Owner:

The City of Sweet Home

### Owner's Address:

3225 Main Street, Sweet Home, OR 97386

### Owner's Phone and email:

541-367-8113, aclegg@sweethomeor.gov

### Comprehensive Plan Classification:

Public

### Nature of Applicants Request

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

Per SHMC 17.24.030.H a Public Utility Facility is allowed via a Conditional Use. A new Conditional Use application shall be processed if a proposed change results in a change to lot or parcel boundaries and if there is an increase in the amount of operational activity; SHMC 17.80.060.A.3 and 5. The City of Sweet Home Wastewater Treatment

Plant (WWTP) is an existing facility serving all residents and businesses in the City of Sweet Home. Applicant is proposing major modifications required by Oregon Department of Environmental Quality.

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

Impacts during construction will include noise from construction operations as well as closing down the boat ramp access to complete improvements to the access road and to provide for Contractor Staging.

### Submittal Requirements

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

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

### Applicant's Signature:

*[Signature]*

Date:

2/23/2022

### Property Owner's Signature:

*[Signature]* 2-22-2022

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.




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Community and Economic Development Department

**City of Sweet Home**  
3225 Main Street  
Sweet Home, OR 97386  
541-367-8113  
www.sweethomeor.gov

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**NOTICE OF DECISION ON A LAND USE APPLICATION**


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**REQUEST:** The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 28,642 square feet from Parcel B (Lot 1502) to Parcel A (Lot 1501). Parcel B shall decrease in size from approximately 28,642 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 36,288 square feet to approximately 64,930 square feet. See the attached site plans. The properties are in the Residential Low Density (R-1) Zone.

**APPLICANT:** The City of Sweet Home

**OWNER (PARCEL 1):** The City of Sweet Home

**OWNER (PARCEL 2):** The City of Sweet Home

**FILE NUMBER:** PLA20-07

**PROPERTY LOCATION:** **Parcel A (Lot 1501):** located at 1359 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BBC Tax Lot 01501

**Parcel B (Lot 1502):** located directly south and abutting Lot 1501, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lot 01502

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.24.040

**STAFF CONTACT:** Angela Clegg. Phone: (541) 367-8113  
Email: aclegg@sweethomeor.gov

**DATE MAILED:** November 18, 2020

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**DECISION**

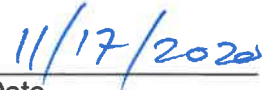
Based on the Review and Design Criteria listed in the Staff Report, Application PLA20-07 for a Property Line Adjustment is Approved with Conditions. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III of the Staff Report). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.)

Conditions of Approval:

1. The final configuration of Parcel A and Parcel B 3 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal would transfer approximately 28,642 square feet from Parcel B (Lot 1502) to Parcel A (Lot 1501). Parcel B shall decrease in size from approximately 28,642 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 36,288 square feet to approximately 64,930 square feet.
2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-1 Zone. See SHMC 17.24.050. The properties are in the Residential Low-Density (R-1) Zone.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
  - A. The names of the parties;
  - B. The description of the adjusted line;
  - C. References to original recorded documents; and
4. Signatures of all parties with proper acknowledgment. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

**DECISION AND MAILING DATE:** November 18, 2020

  
Blair Larsen, Community & Economic Development Director

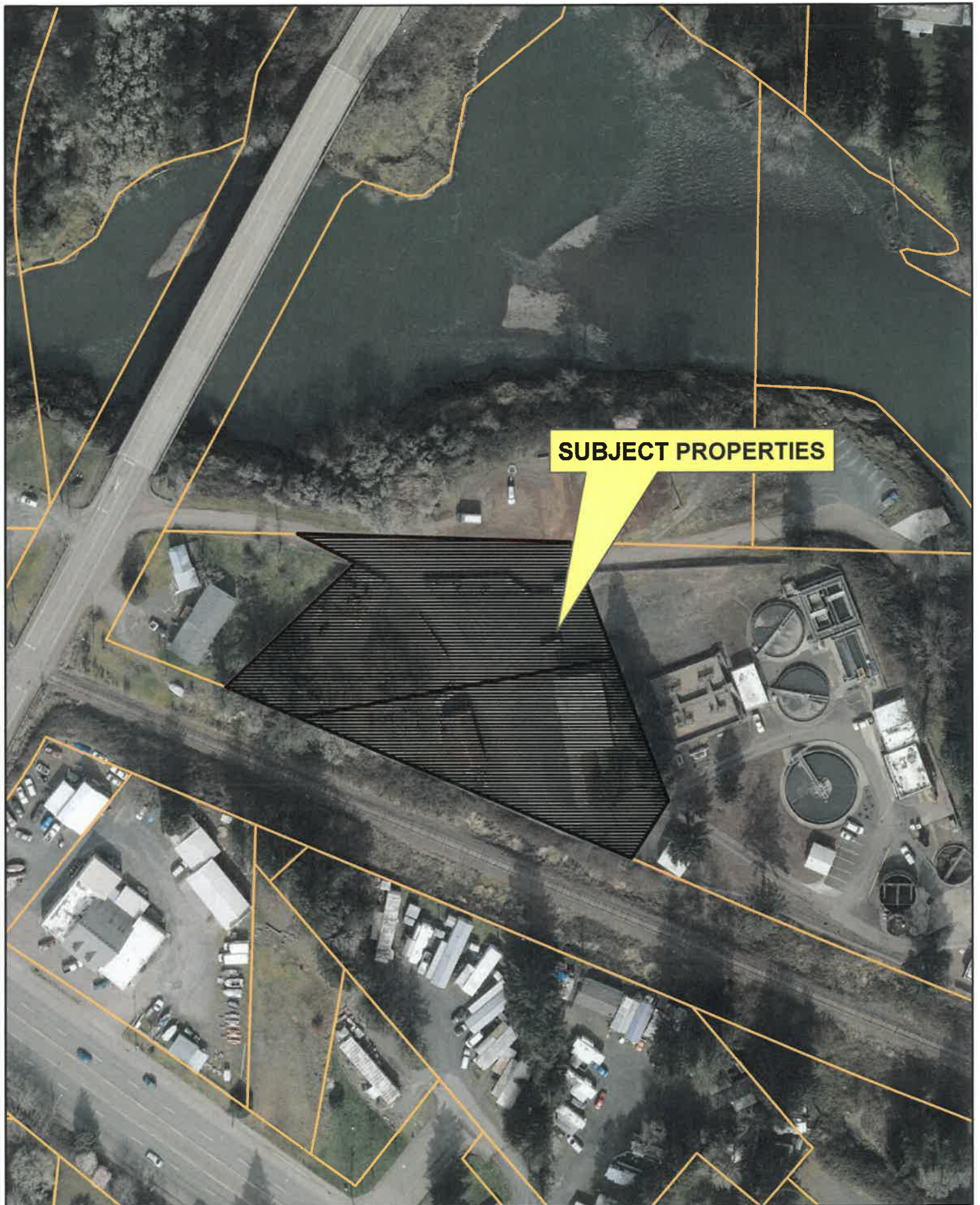
  
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than November 30, 2020 at 5:00 PM (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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, OR 97386; Phone: (541) 367-8113.





**SUBJECT PROPERTIES**



1 inch = 108 feet

PLA20-07  
1359 Pleasant Valley Road  
13S01E31BB01501

Date: 8/5/20

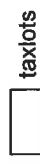
17



# WWTP Property Line Adjustments Existing Property Lines



## Legend

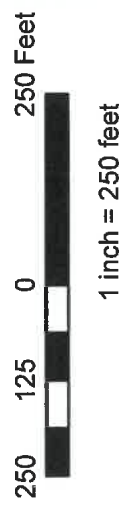
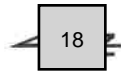


taxlots

PIN

13S01E31BB01501

13S01E31BB01502






WWTP Property Line Adjustments  
PLA 20-07



**Legend**

 taxlots

 1st\_merge

 19

250 125 0 250 Feet

1 inch = 250 feet



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Community and Economic Development Department

**City of Sweet Home**  
3225 Main Street  
Sweet Home, OR 97386  
541-367-8113  
[www.sweethomeor.gov](http://www.sweethomeor.gov)

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**NOTICE OF DECISION ON A LAND USE APPLICATION**

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**REQUEST:** The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 167,470 square feet from Parcel B (Lot 1300) to Parcel A (Lots 1501 and 1502). Parcel B shall decrease in size from approximately 167,470 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 64,930 square feet to approximately 232,400 square feet. See the attached site plans. The properties are in the Residential Low Density (R-1) Zone.

Application PLA20-08 is pending the approval of Application PLA20-07, filed simultaneously.

**APPLICANT:** The City of Sweet Home

**OWNER (PARCEL 1):** The City of Sweet Home

**OWNER (PARCEL 2):** The City of Sweet Home

**FILE NUMBER:** PLA20-08

**PROPERTY LOCATION:** **Parcel A (Lots 1501 & 1502):** located at 1359 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BBC Tax Lot 01501 and 01502

**Parcel B (Lot 1300):** located at 1357 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lot 01300

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.24.040

**STAFF CONTACT:** Angela Clegg. Phone: (541) 367-8113  
Email: [aclegg@sweethomeor.gov](mailto:aclegg@sweethomeor.gov)

**DATE MAILED:** November 18, 2020

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**DECISION**

Based on the Review and Design Criteria listed in the Staff Report, Application PLA20-08 for a Property Line Adjustment is Approved with Conditions. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III of the Staff Report). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.)




Conditions of Approval:

1. The final configuration of Parcel A and Parcel B 3 shall substantially conform to the plot plan reviewed in this application. See Attachment B. The proposal would transfer approximately 167,470 square feet from Parcel B (Lot 1300) to Parcel A (Lots 1501 and 1502). Parcel B shall decrease in size from approximately 167,470 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 64,930 square feet to approximately 232,400 square feet.
2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-1 Zone. See SHMC 17.24.050. The properties are in the Residential Low-Density (R-1) Zone.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
  - A. The names of the parties;
  - B. The description of the adjusted line;
  - C. References to original recorded documents; and
4. Signatures of all parties with proper acknowledgment. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

**DECISION AND MAILING DATE:** November 18, 2020

  
Blair Larsen, Community & Economic Development Director

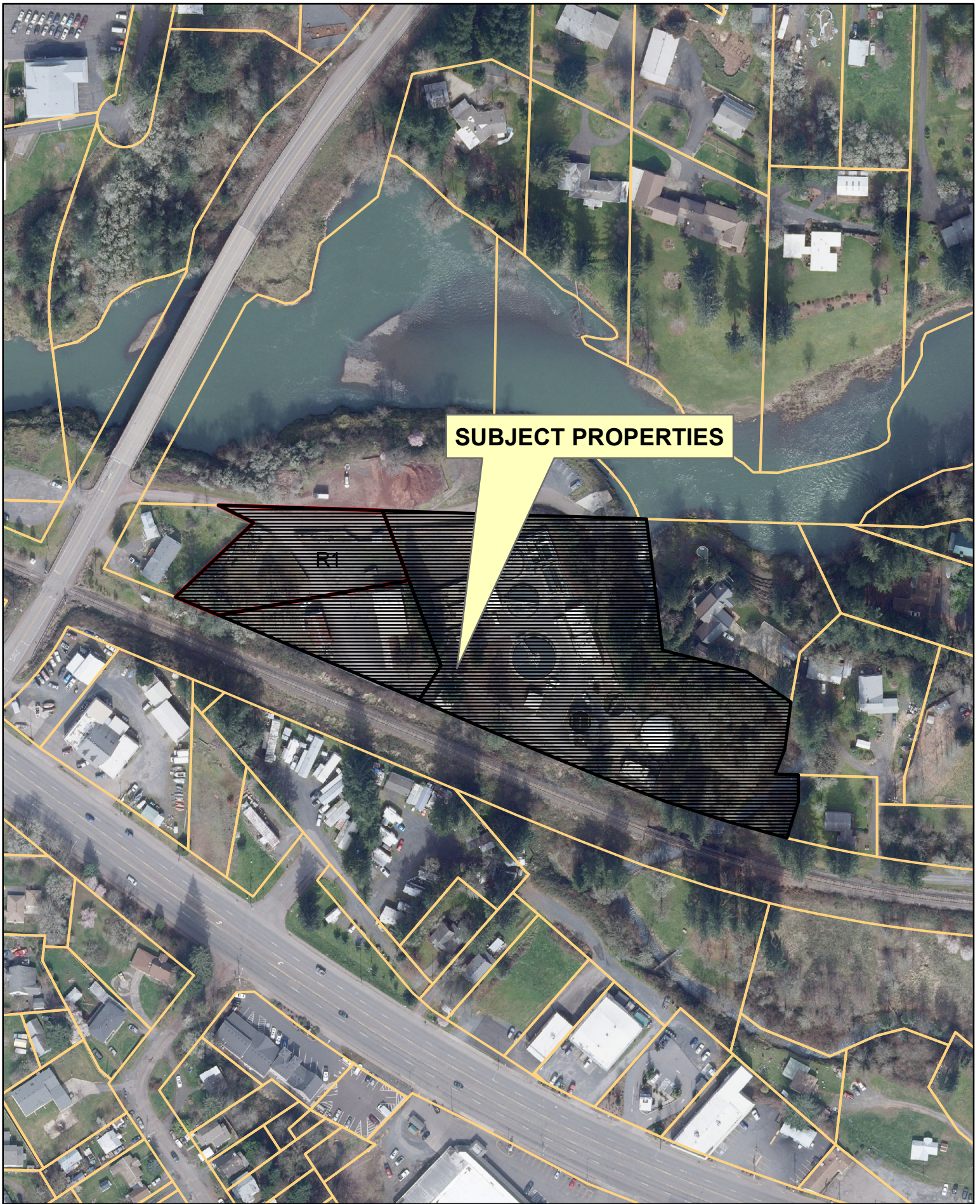
  
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than November 30, 2020 at 5:00 PM (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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








1 inch = 180 feet

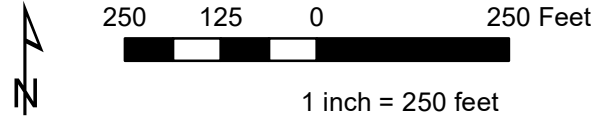
PLA20-08  
1359 Pleasant Valley Road  
Lots 1501 & 1502

Date: 8/5/20



WWTP Property Line Adjustments  
Existing Property Lines  
(per approval of PLA20-07)



- Legend**
-  taxlots
  -  13S01E31BB01501, 1502  
PLA 20-07
  -  13S01E31BA01300





# WWTP Property Line Adjustments PLA20-08

## Legend

-  taxlots
-  2nd\_merge



250 125 0 250 Feet



1 inch = 250 feet






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Community and Economic Development Department

**City of Sweet Home**  
3225 Main Street  
Sweet Home, OR 97386  
541-367-8113  
www.sweethomeor.gov

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**NOTICE OF DECISION ON A LAND USE APPLICATION**


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**REQUEST:** The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 23,622 square feet from Parcel B (Lot 1100) to Parcel A (Lot 600). Parcel B shall decrease in size from approximately 23,622 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 200,954 square feet to approximately 224,576 square feet. See the attached site plans. The properties are in the Residential Low Density (R-1) Zone.

Application PLA20-09 is pending the approval of Application PLA20-07 and Application PLA20-08, filed simultaneously.

**APPLICANT:** The City of Sweet Home

**OWNER (PARCEL 1):** The City of Sweet Home

**OWNER (PARCEL 2):** The City of Sweet Home

**FILE NUMBER:** PLA20-09

**PROPERTY LOCATION:** **Parcel A (Lot 600):** located directly north of 1359 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BBC Tax Lot 00600

**Parcel B (Lot 1100):** located at 1365 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lot 01100

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.24.040

**STAFF CONTACT:** Angela Clegg. Phone: (541) 367-8113  
Email: aclegg@sweethomeor.gov

**DATE MAILED:** November 18, 2020

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**DECISION**


Based on the Review and Design Criteria listed in the Staff Report, Application PLA20-08 for a Property Line Adjustment is Approved with Conditions. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III of the Staff Report). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.)

Conditions of Approval:

1. The proposal would transfer approximately 23,622 square feet from Parcel B (Lot 1100) to Parcel A (Lot 600). Parcel B shall decrease in size from approximately 23,622 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 200,954 square feet to approximately 224,576 square feet. Application PLA20-09 is pending the approval of Application PLA20-07 and Application PLA20-08, filed simultaneously.
2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-1 Zone. See SHMC 17.24.050. The properties are in the Residential Low-Density (R-1) Zone.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
  - A. The names of the parties;
  - B. The description of the adjusted line;
  - C. References to original recorded documents; and
4. Signatures of all parties with proper acknowledgment. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

**DECISION AND MAILING DATE:** November 18, 2020

  
Blair Larsen, Community & Economic Development Director

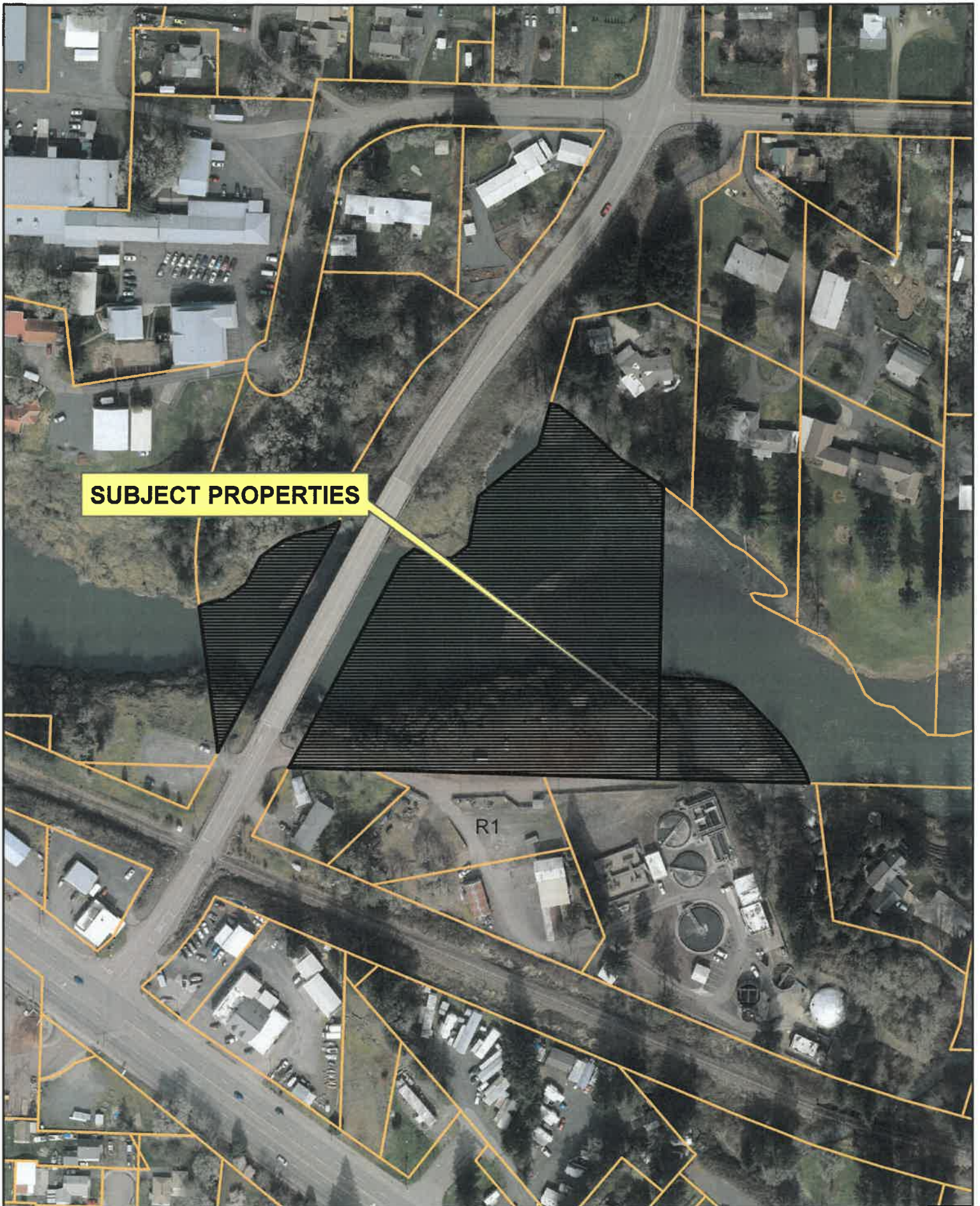
  
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than November 30, 2020 at 5:00 PM (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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**SUBJECT PROPERTIES**

R1



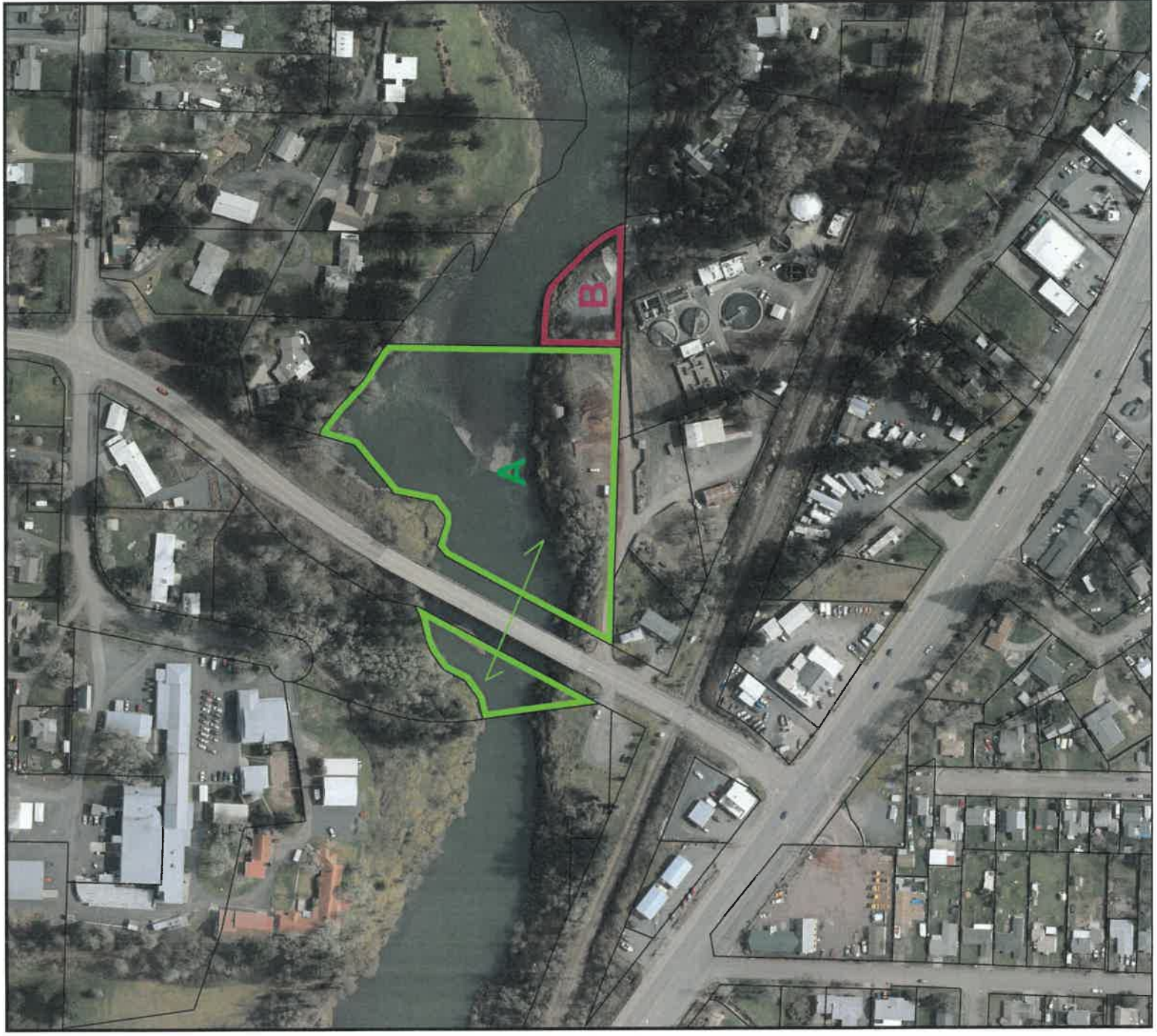
1 inch = 173 feet

PLA20-09  
1365 Pleasant Valley Road  
Lots 600 & 1100

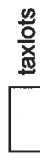
Date: 8/5/20



# WWTP Property Line Adjustments Existing Property Lines (per approval of PLA20-07, PLA20-08)



## Legend

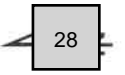


taxlots

PIN

13S01E31BA01100

13S01E31BB00600



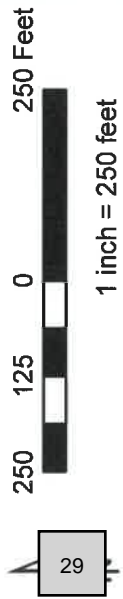


WWTP Property Line Adjustments  
PLA 20-09



Legend

-  taxlots
-  3rd\_merge



1 inch = 250 feet



## ATTACHMENT F

### Community and Economic Development Department

**City of Sweet Home**  
3225 Main Street  
Sweet Home, OR 97386  
541-367-8113  
www.sweethomeor.gov

#### NOTICE OF DECISION ON A LAND USE APPLICATION

**REQUEST:** The applicant has requested a property line adjustment between two lots. The proposal would transfer approximately 224,576 square feet from Parcel B (Lots 600 and 1100) to Parcel A (Lots 1501, 1502, 1300). Parcel B shall decrease in size from approximately 224,576 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 232,400 square feet to approximately 456,976 square feet. See the attached site plans. The properties are in the Residential Low Density (R-1) Zone.

Application PLA20-10 is pending the approval of Application PLA20-07, Application PLA20-08, and Application PLA20-09 filed simultaneously.

**APPLICANT:** The City of Sweet Home

**OWNER (PARCEL 1):** The City of Sweet Home

**OWNER (PARCEL 2):** The City of Sweet Home

**FILE NUMBER:** PLA20-10

**PROPERTY LOCATION:** **Parcel A (Lots 1501, 1502, 1300):** located at 1359 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BBC Tax Lot 01501, 01502, 01300

**Parcel B (Lots 600, 1100):** located at 1357 Pleasant Valley Road, Sweet Home, Oregon 97386; Identified on the Linn County Assessor's Map as 13S01E31BB Tax Lot 00600, 01100

**REVIEW AND DECISION CRITERIA:** Sweet Home Municipal Code (SHMC) Sections 16.16.030, 16.32.020 through 16.32.050, and 17.24.040

**STAFF CONTACT:** Angela Clegg. Phone: (541) 367-8113  
Email: aclegg@sweethomeor.gov

**DATE MAILED:** November 18, 2020

#### DECISION

Based on the Review and Design Criteria listed in the Staff Report, Application PLA20-10 for a Property Line Adjustment is Approved with Conditions. The application shall be subject to compliance with the conditions listed below, as required by the findings in the Review and Decision Criteria (Section III of the Staff Report). Any modifications to conditions shall be approved in accordance with provisions of law (e.g., variance, subsequent land use application, etc.)

Conditions of Approval:

1. The proposal would transfer approximately 224,576 square feet from Parcel B (Lots 600 and 1100) to Parcel A (Lots 1501, 1502, 1300). Parcel B shall decrease in size from approximately 224,576 square feet to approximately 0 square feet. Parcel A shall increase in size from approximately 232,400 square feet to approximately 456,976 square feet. See the attached site plans. Application PLA20-10 is pending the approval of Application PLA20-07, Application PLA20-08, and Application PLA20-09 filed simultaneously.
2. The adjusted property line shall be situated so that all buildings and structures comply with the yard (setback) requirements of the R-1 Zone. See SHMC 17.24.050. The properties are in the Residential Low-Density (R-1) Zone.
3. The property line adjustment shall be surveyed and monumented as required by ORS Chapter 92. Documents must conform with the survey for the subject properties in accordance with ORS Chapter 92 and shall be recorded with Linn County. A property line adjustment deed shall be recorded with Linn County and contain the following:
  - A. The names of the parties;
  - B. The description of the adjusted line;
  - C. References to original recorded documents; and
4. Signatures of all parties with proper acknowledgment. Development on the subject properties shall comply with all applicable local, state, and federal requirements; including but not limited to all applicable fire code requirements and other development requirements of the Sweet Home Municipal Code.

**DECISION AND MAILING DATE:** November 18, 2020

  
Blair Larsen, Community & Economic Development Director

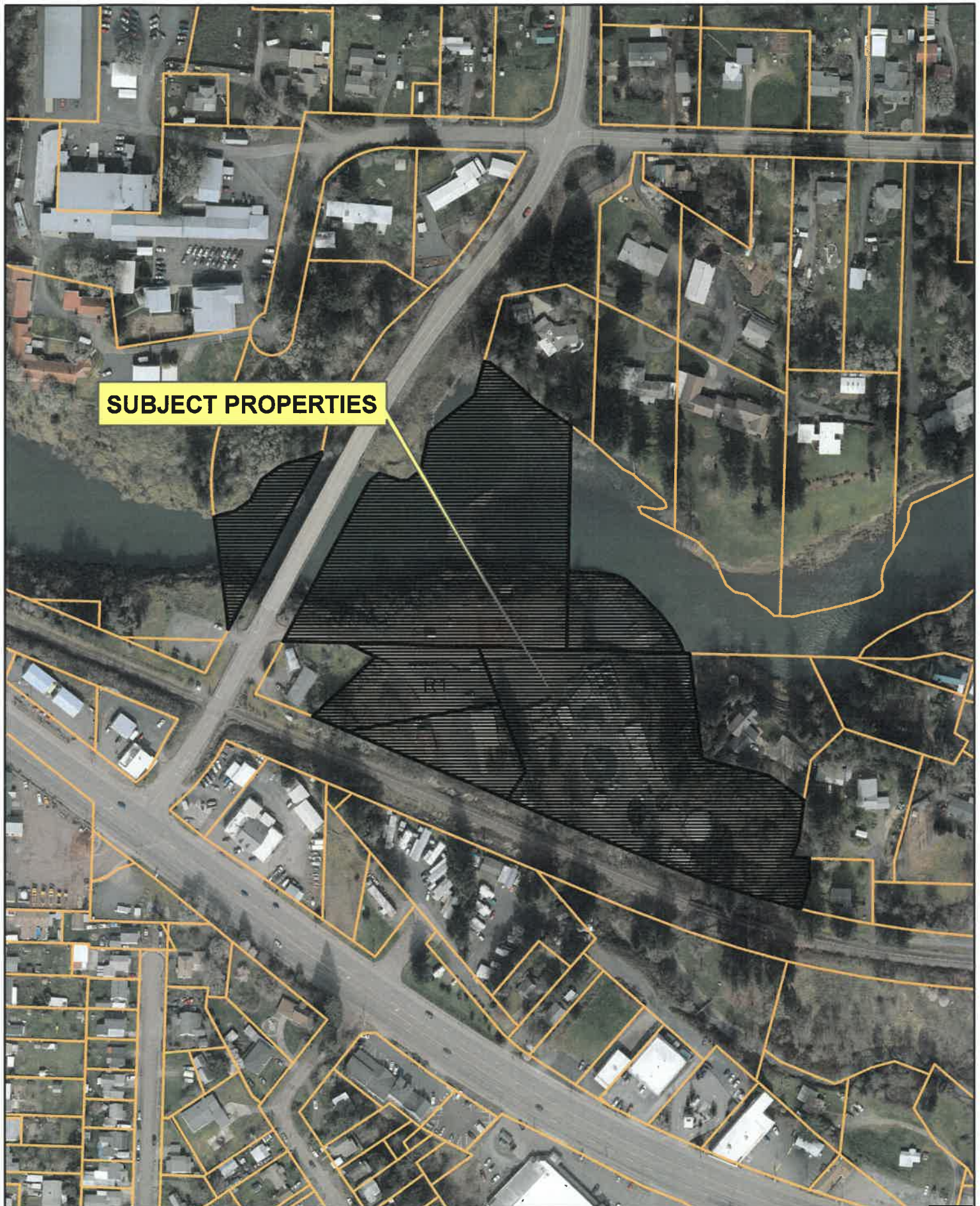
  
Date

The decision made by the Community and Economic Development Director is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than November 30, 2020 at 5:00 PM (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The Planning Commission will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

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, OR 97386; Phone: (541) 367-8113.





1 inch = 226 feet

PLA20-10  
1359 & 1357 Pleasant Valley Road  
Lots 1501, 1502, 1300, 600, 1100

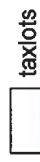
Date: 8/5/20

32



# WWTP Property Line Adjustments Existing Property Lines (per approval of PLA20-07, PLA20-08, PLA20-09)

## Legend



taxlots

**A:** 13S01E31BB01501, 1502, 1300

**B:** 13S01E31BB00600, 1100



250 125 0 250 Feet



1 inch = 250 feet

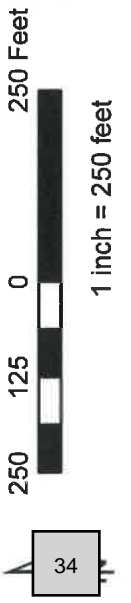


WWTP Property Line Adjustments  
PLA20-10



Legend

-  taxlots
-  4th\_merge



**City of Sweet Home**

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

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**Staff Report Presented to the Planning Commission**

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**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 teeth whitening and cosmetic services operated by a resident of the property within the dwelling located on the property. The applicant expects to see one client at a time and operate no later than 9:00 PM. The applicant will contain all parking on the subject property. The applicant will be the only employee

The subject property contains approximately 21,452 square feet and is in the Residential Low Density (R-1) Zone.

**APPLICANT:** Jodi Parker

**PROPERTY OWNER:** Jeff and Jodi Parker

**FILE NUMBER:** CU22-05

**PROPERTY LOCATION:** 1300 1<sup>st</sup> Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31BC Tax Lot 01400.

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

**HEARING DATE & TIME:** April 7, 2022, at 6:30 PM

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

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

**REPORT DATE:** March 31, 2022

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

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

Floodplain Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

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

Access: The subject property has frontage and access along 1<sup>st</sup> Avenue.

Services: The subject property has access to City water and sewer services in 1<sup>st</sup> Avenue.

#### TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: February 24, 2022

Notice Published in Newspaper: March 2, 2022

Planning Commission Public Hearing: April 7, 2022

120-Day Deadline: June 23, 2022

Notice was provided as required by SHMC 17.12.120

## **II. COMMENTS**

**Adam Leisinger**

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

**Joe Graybill**

**Engineering Division:** Regarding the Home Occupation Conditional Use, the property is a residential location connected to full city utilities and has a driveway large enough to accommodate off-street parking. CEDD-ES have no concerns.

**Trish Rice**

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

**Chief Barringer**  
**Sweet Home Fire**  
**District:**

The Fire District has no issues with this request.

**Public Comments:** See Attachment C

## **III. REVIEW AND DECISION CRITERIA**

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

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

Staff Findings: The subject property is in the R-1. The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of teeth whitening and cosmetic services operated by a resident of the property within the dwelling located on the property. The applicant expects to see one client at a time and



operate no later than 9:00 PM. The applicant will contain all parking on the subject property. The applicant will be the only employee. The subject property contains approximately 21,452 square feet and is in the Residential Low Density (R-1) Zone.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-05.

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

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

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

Staff Findings: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The applicant states that there is a dedicated interior space for the business, the applicant states that the property has approximately 3 off-street parking spaces, they plan to have one client at a time, and they will not operate past 9:00 PM.

Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

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

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

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

See Attachment C for comments from abutting neighbors.

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

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

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

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

**E. Home occupations must meet the following standards:**

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

Staff Findings: As proposed, staff finds that the home occupation is secondary to the residential use. The applicant has stated that they have a dedicated, interior space within the home for the business.

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

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

Staff Findings: As proposed, the applicant will contain the business within a dedicated space within the home. Staff finds that the home occupation shall be contained and conducted within an enclosed building.

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

**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.**

Staff Findings: The applicant has not proposed to use any materials or mechanical equipment that are detrimental to residential use of the dwelling or the nearby dwellings.

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

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

Staff Findings: As proposed, the applicant will contain parking for the business within the subject property boundaries. The applicant states that they have 3 off-street parking spaces available.

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

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

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

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

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

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

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed 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.

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

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

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

#### **IV. 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 Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU22-05:

1. The applicant shall contain the business within a dedicated space within the home.
2. The applicant shall contain parking for the business within the subject property boundaries.
3. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
4. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

#### **V. PLANNING COMMISSION ACTION**

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

in Section IV.

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff 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 CU22-05; 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 CU22-05; 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
- C Public Comment



1 inch = 43 feet

Subject Property Map  
CU22-05  
13S01E31BC01400

Date: 2/24/22



# ATTACHMENT B



## 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: 02.18.22  
Date Complete: 02.23.22  
File Number: CU22-05  
Application Fee \$: 615.00  
Receipt #: 4757  
Hearing Date: 04.07.22

Applicant's Name: Jodi Parker

Property Owner: Jeff & Jodi Parker

Applicant's Address: 1300 1st Ave, S.H.

Owner's Address: 1300 1st Ave S.H.

Applicant's Phone and e-mail: 541 409 1490 parkerland6@yahoo.com

Owner's Phone and email: same

Subject Property Address: 1300 1st Ave S.H.

Subject Property Assessor's Map and Tax Lot: 31BC/1400

Subject Property Size: .49 acres

Subject Property: Zoning Classification R-1

Comprehensive Plan Classification: R-1

#### Nature of Applicants Request

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

Teeth Whitening, Cosmetic Service 1 client car @ any one time  
Interior Dedicated space Operating no later than 9 pm

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

Plenty of off street parking. No impact to neighborhood  
OFF STREET PARKING FOR 3 CARS

#### Submittal Requirements

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

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

Applicant's Signature:

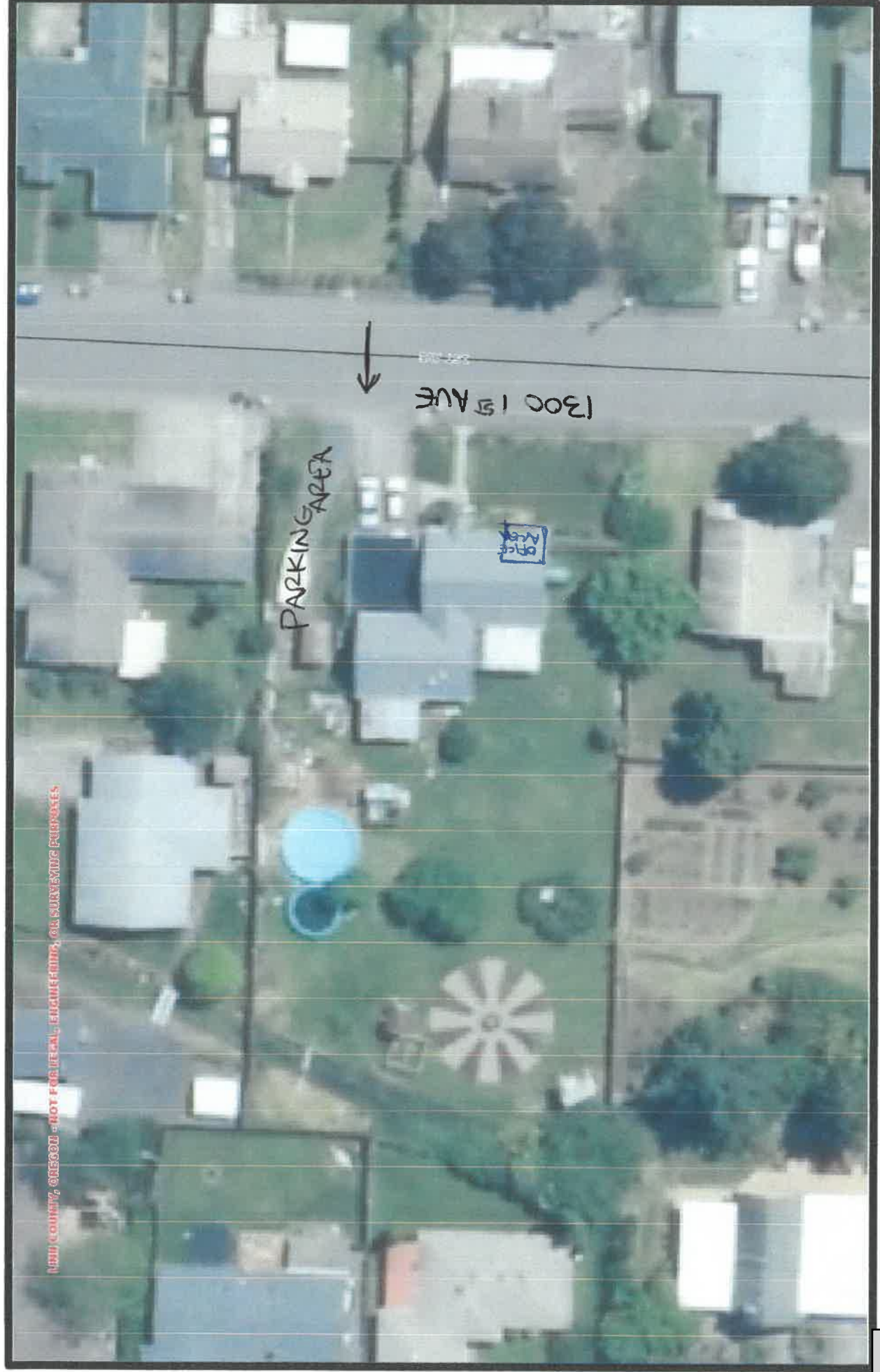
Date:

Property Owner's Signature:

Date:

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

# Map



City of Sweet Home  
Planning Dept.

3/3/22

RECEIVED  
03.09.22

File # CU22-05  
RE: Jeff + Jodi Parker  
Conditional use permit

My name is Jessie Carter, property owner of 41 Wandina St. bordering neighbor to Jeff + Jodi.

I have no issues with this couple putting a small business in their home. I wish them all the best.

Sincerely  
Jessie Carter  
41 Wandina St.  
Sweet Home, Or 97386  
541-401-1620

Cell: (541) 954-8827

e-mail: [rstender@pmtscs.com](mailto:rstender@pmtscs.com)



REF:  
File # CV22-05  
Jodi Parker.

March 1, 2022

This is an unsolicited approval  
of Parker's request from a next door  
neighbor. I'm all for folks who want to  
help themselves along.

Roger R Sherman

1347 Westwood Ln.

S. H. OR - 97386

**City of Sweet Home**

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

**Staff Report Presented to the Planning Commission**

**REQUEST:** The applicant is requesting a conditional use permit to allow for a single-family residence in a Commercial Highway Zone. Single-family residences or manufactured homes meeting standards 17.24.090 are allowed via a Conditional Use per SHMC 17.36.030.E. The subject property contains approximately 6,514 square feet and is in the Commercial Highway (C-2) Zone.

**APPLICANT:** L&G Property Management, LLC

**PROPERTY OWNER:** Lee and Gladis Olson

**FILE NUMBER:** CU22-06

**PROPERTY LOCATION:** 1325 19<sup>th</sup> Avenue, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32BB Tax Lot 01400.

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

**HEARING DATE & TIME:** April 7, 2022, at 6:30 PM

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

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

**REPORT DATE:** March 31, 2022

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

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Commercial Highway (C-2)	Highway Commercial
Property North	Commercial Highway (C-2)	Highway Commercial
Property East	Commercial Highway (C-2)	Public
Property South	Commercial Highway (C-2)	Highway Commercial
Property West	Commercial Highway (C-2)	Highway Commercial

**Floodplain** Based on a review of the FEMA flood insurance rate map; Panel 41043C0913G, dated September 29, 2010, the subject property is not in the Special Flood Hazard Area.

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

Access: The subject property has frontage and access along 19<sup>th</sup> Avenue.  
Services: The subject property has access to City water and sewer services in 19<sup>th</sup> Avenue.

#### TIMELINES AND HEARING NOTICE:

Mailed/Emailed Notice: February 24, 2022  
Notice Published in Newspaper: March 2, 2022  
Planning Commission Public Hearing: April 7, 2022  
120-Day Deadline: June 24, 2022  
Notice was provided as required by SHMC 17.12.120

## II. COMMENTS

**Adam Leisinger**

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

**Joe Graybill**

**Engineering Division:** Regarding the Conditional Use application for a home placement on 19<sup>th</sup> Avenue off Main Street, this property has previously been connected to city services. The residence at this location was removed sometime between 2012 and 2014. There is a driveway apron on 19<sup>th</sup> Avenue, street curb, and concrete sidewalk in front of the property. CEDD-ES has no issues with the proposal.

**Trish Rice**

**Public Works Dept.** The Public Works Department has no issues with this request.

**Chief Barringer**  
**Sweet Home Fire**  
**District:**

No comments as of the issuance of this Staff Report.

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

## III. REVIEW AND DECISION CRITERIA

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

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

Staff Findings: The subject property is in the C-2 zone. The applicant is requesting a conditional use permit to allow for a single-family residence in a Commercial Highway Zone.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-06.



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

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

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

Staff Findings: The applicant is requesting a conditional use permit to allow for a single-family residence in a Commercial Highway Zone.

Staff finds that the site size, dimensions, location, topography and access are adequate for the proposed use.

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

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

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

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

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

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

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

**E. Home occupations must meet the following standards:**

1. The home occupation shall be secondary to the residential use.
2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise,

**dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.**

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

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

- F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed. [SHMC 17.80.040(F)]**
- G. Marijuana facilities may not have any drive-up services. [SHMC 17.80.040(G)]**
- H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school. [SHMC 17.80.040(H)]**
- I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property. [SHMC 17.80.040(I)]**

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

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed 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.

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

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

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

#### **IV. 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 Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

### Recommended Conditions of Approval for CU22-06:

1. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
2. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

## **V. PLANNING COMMISSION ACTION**

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff 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 CU22-06; which includes adopting the findings of fact listed in the staff report and the conditions of approval listed in Section IV of the staff report, the setting of a 12-day appeal period from the date of the mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
2. Move to deny applications CU22-06; which includes adopting the findings of fact (specify), including the setting of a 12-day appeal period from the date of mailing of the decision, and hereby direct staff to prepare an order to be signed by the Chair to memorialize this decision.
3. Move to continue the public hearing to a date and time certain (specify); or
4. Other.

## **VI. ATTACHMENTS**

- A Subject Property Map
- B Application





SUBJECT PROPERTY

C2

19TH AVE

MAIN ST

Subject Property Map  
CU22-06  
13S01E32BB01400

Date: 2/24/22



1 inch = 45 feet



## Community and Economic Development Department

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

### Application for a Conditional Use Permit

Date Received: 02.24.22  
Date Complete: 02.24.22  
File Number: CU22-06  
Application Fee \$: 1015.00  
Receipt #: 4760  
Hearing Date: 04.07.22

Applicant's Name:

L&G Property Management, LLC

Applicant's Address:

2987 Grace Hill Dr NW Salem, OR 97304

Applicant's Phone and e-mail:

Lg. Propertymanagement11@gmail.com

Subject Property Address:

1325 19th Ave Sweet Home, OR

Subject Property Assessor's Map and Tax Lot:

1400 - TAX ID 258380

Subject Property Size:

Aprox 6,000

Subject Property: Zoning Classification

C5

Property Owner:

Lee.olsonh1@gmail.com  
Lee I Olson

Owner's Address:

2987 Grace Hill Dr NW Salem, OR

Owner's Phone and email:

97304  
503-348-6438  
Lg. Propertymanagement11@gmail.com  
503-560-0901

13501E32BB-01400

Comprehensive Plan Classification:

#### Nature of Applicants Request

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

Single-Family residences

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

Outside Construction

#### Submittal Requirements

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

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

Applicant's Signature:

[Signature]

Date:

2/23/2022

Property Owner's Signature:

[Signature]

Date:

2/23/2022

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



**City of Sweet Home**

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

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**Staff Report Presented to the Planning Commission**

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**REQUEST:** The applicant is requesting a conditional use permit to allow for duplexes in a Residential Low-Density Zone. Duplexes not meeting SHMC 17.25.020(B) are allowed via a Conditional Use per SHMC 17.24.030(M). The subject property contains approximately 142,523 square feet and is in the Residential Low-Density (R-1) Zone.

The applicant intends to apply for a three-lot partition on the subject property (see Attachment B). As of the date of this notice, the partition application has not been received.

**APPLICANT:** Andrei Snegirev

**PROPERTY OWNER:** Uprise Investing

**FILE NUMBER:** CU22-07

**PROPERTY LOCATION:** 3715 Long Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E32AD Tax Lot 00900.

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

**HEARING DATE & TIME:** April 7, 2022, at 6:30 PM

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

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

**REPORT DATE:** March 31, 2022

---

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

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

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



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

A wetland delineation was completed in 2021 by Turnstone Environmental Consultants. Wetlands were identified on the southern half of the subject property (see attachment C).

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

**Services:** The subject property has access to City water and sewer services in Long Street.

**TIMELINES AND HEARING NOTICE:**

Mailed/Emailed Notice: March 1, 2022

Notice Published in Newspaper: March 9, 2022

Planning Commission Public Hearing: April 7, 2022

120-Day Deadline: June 28, 2022

Notice was provided as required by SHMC 17.12.120

**II. COMMENTS**

**Adam Leisinger**

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

**Joe Graybill**

**Engineering Division:** Regarding the proposal for duplex development off Long Street between 37<sup>th</sup> and 38<sup>th</sup> Avenues, Long Street is classified as a Minor Arterial. Grouping of multiple accesses into one are required by the Transportation System Plan for Arterial roadways. Full utility services are available at the street for any development. Without additional details of the development, other conditions may apply.

**Trish Rice**

**Public Works Dept.** With the applicant's stated intent to partition the property, Public Works prefers for there to be one shared driveway into the property. We also prefer for the water and sewer services to have mainline extensions under the driveway into the property with services to each dwelling connecting onto the extensions, rather than having twelve connections into the street (six each for water and sewer). These preferences are similar to what was just built for the new homes on 49<sup>th</sup> Avenue.

**Chief Barringer**

**Sweet Home Fire**

**District:** The Fire District has no issues with this request if turnarounds meet code.

**Public Comments:** See Attachment D

### III. REVIEW AND DECISION CRITERIA

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

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

Staff Findings: The subject property is in the R-1 zone. The applicant is requesting a conditional use permit to allow for duplexes in a Residential Low-Density Zone.

For this application to comply with all applicable city codes and state and federal laws, this application may require additional permits. If this application is approved, staff recommends a condition of approval that prior to operation, the applicant shall obtain all required local, state, and federal permits. The applicant shall submit copies of all required permits and licenses to the Sweet Home Community and Economic Development Department for inclusion in the record of CU22-07.

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

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

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

Staff Findings: The applicant is requesting a conditional use permit to allow for duplexes in a Residential Low-Density Zone. As proposed, the applicant has limited development area due to identified wetland constraints.

The applicant shall provide access through one shared driveway off Long Street. The City of Sweet Home Street Design and Access Management Standards states a Minor Arterial shall have shared driveway access [TSP Table 4.3].

Staff finds that the site size, dimensions, location, and topography are adequate for the proposed use.

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

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

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

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

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

Staff Findings: The subject property has access to City water and sewer. Staff finds that the proposed use has adequate capacity.

The City of Sweet Home Public Works Department prefers that the water and sewer services have mainline extensions under the driveway into the property with services to each dwelling connecting onto the extensions, rather than having twelve connections into the street.

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

**E. Home occupations must meet the following standards:**

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

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

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

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

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

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

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

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

Staff Findings: This provision of the SHMC allows the Planning Commission to impose conditions of approval. This is an opportunity for the Planning Commission to determine if conditions are needed 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.

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



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

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

#### **IV. 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 Board of Appeals (LUBA) may only be based on Review and Decision Criteria contained in Section III.

Recommended Conditions of Approval for CU22-07:

1. The applicant shall apply for and be approved for a three-lot partition.
2. The applicant shall provide one shared driveway access for all proposed parcels.
3. The applicant shall provide mainline extensions for water and sewer services under the shared driveway, with services to each dwelling, connecting onto the extensions.
4. The applicant shall maintain the designated wetland portion of the property in accordance with the Sweet Home Municipal Code 17.72.070 and the Department of State Lands Waterways and Wetlands regulations.
5. The property owner shall obtain and comply with all other applicable local, state, and federal permits and requirements.
6. The conditional use permit shall be void one (1) year after the date of the Planning Commission approval if the use has not been substantially established, as defined under SHMC 17.80.070(A), within that time period. The City Planner may grant one extension of up to one year for a conditional use permit that contained a one-year initial duration upon written request of the applicant and prior to the expiration of the approved period. Requests other than a one-year request made prior to the expiration of the approved period must be approved by the Planning Commission. A conditional use permit not meeting the above time frames will be expired and a new application will be required.

#### **V. PLANNING COMMISSION ACTION**

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

Appeal Period: Pursuant to ORS 227.175, the Planning Commission may establish an appeal period of not less than 12 days from the date the written notice of the Planning Commission's decision is mailed. Staff's recommendation is that the Planning Commission's decision on this matter be subject to a **12-day appeal period** from the date that the notice of decision is mailed.

Order: After the Planning Commission decides, staff 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.

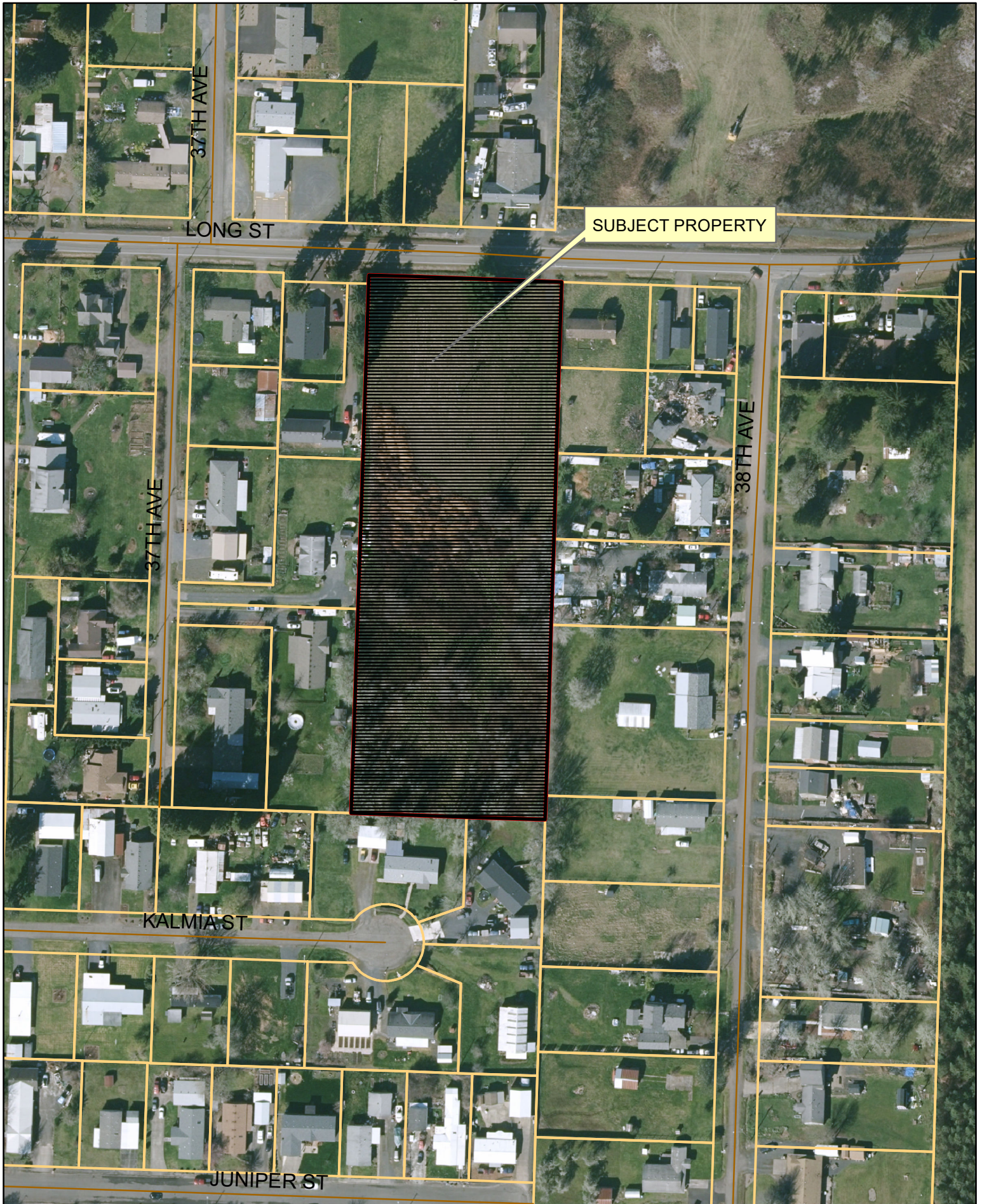
Motion: After opening the public hearing and receiving testimony, the Planning Commission's options include the following:

1. Move to approve application CU22-07; 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 CU22-07; 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
- D Public Comments





1 inch = 143 feet

Subject Property Map  
CU22-07  
13S01E32AD00900

Date: 2/28/22



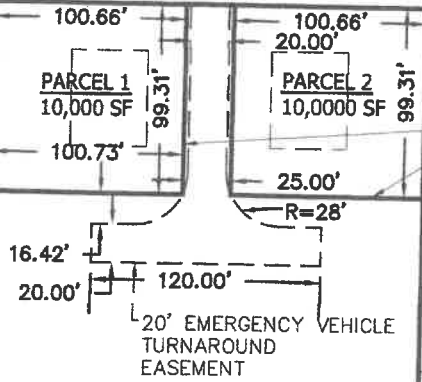
# ATTACHMENT B

SCALE:



LONG ST. RIGHT OF WAY WIDTH VARIES

10.00' RIGHT OF WAY DEDICATION





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

## Community and Economic Development Department

## Application for a Conditional Use Permit

Date Received: 02.28.22  
Date Complete: 02.28.22  
File Number: CU22-07  
Application Fee \$: 615.00  
Receipt #: 4767  
Hearing Date: 04.07.22

Applicant's Name:

Andre Swegiver

Applicant's Address:

1331 main st suite 8' summit

Applicant's Phone and e-mail:

503-341-0940  
ateamoffices@gmail.com

Subject Property Address:

3715 Long St

Subject Property Assessor's Map and Tax Lot:

13501E 32AD00900

Subject Property Size:

3.27 acres

Subject Property: Zoning Classification

Comprehensive Plan Classification:

## Nature of Applicants Request

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

SEE ATTACHED

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

SEE ATTACHED

## Submittal Requirements

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

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

Applicant's Signature:

Date:

2-28-2022

Property Owner's Signature:

Date:

2-28-2022

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.

# UPRISE INVESTING LLC

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2698 Progress Way, Woodburn, OR 97071 (office email : [ateamoffices@gmail.com](mailto:ateamoffices@gmail.com))

## PROPERTY SITE PARTITION AND CONDITIONAL USE

DATE: 2-20-2022

TO: CITY OF SWEET HOME

PROPERTY ADDRESS : 3715 LONG ST , SWEET HOME OR 97386

TAX LOT : 13S01E32AD00900 226' X 630' 3.27 ACRES

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### PROPOSED NARRATIVE

UPRISE INVESTING LLC , PURCHASED THIS PROPERTY A FEW YEARS AGO , WITH THE INTENTION OF DEVELOPING THE PROERTY FOR AFFORDABLE HOUSING ( 14 DUPLEX LOTS ) DUE TO THE " WETLANDS PRESENT ON PROPERTY SEE EXIBIT " A " WE ARE PROPOSE A DIFFERENT APPROACH WITH A 3 LOT PARTITION SEE EXIBIT " B " WITH THE WETLANDS TO BE AS A GREEN SPACE AND USED BY THE OWNERS OF PARCEL 1 , 2 AND 3 . AND SEE EXIBIT " C " WITH THE PROPOSED DUPLEX PLAN

ALSO WITH THE CITY IN REACH OF 10,000 POPULATION THIS YEAR , MY PROPOSAL FOR THIS PROPERTY WILL BE ACCEPTABLE PER STATE CODE FOR HOUSING REGULATIONS

UPRISE INVESTING LLC IS FAMILY OWNED AND OPERATED BY ANDY SNEGIREV AND HIS 4 SONS , FRED, MARK , DANIEL AND JOE



## IMPACT ON NEIGHBORHOOD

THE PROPOSED USE ON THE PROPERTY WILL ACTUALLY DECREASE THE IMPACT ON THE NEIGHBORHOOD WITH " WETLANDS GREEN SPACE " . NOTE : THE IMPACT ON THE COMMUNITY IS BY THE APARTMENTS BEING BUILT ACROSS THE STREET , THE NOISE AND CONSTRUCTION WILL BE A TEMPORAY IMPACT ON THE NEIGHBORHOOD ONLY WHLE HOMES ARE BEING CONSTRUCTED

NOTE : THERE WAS AN APPROVED PARTION ON THIS PROPERTY SIMILAR ON WHAT WE ARE PROPOSING

- 1) SEE ATTACHED MAP : EXIBIT " A " BY ( TURNSTONE ENVIRONMENTAL CONSULTANTS ) JEFF REAMS 503-510-3630
- 2) SEE SITE MAP : EXIBIT " B " BY UDEL ENGINEERING ( KYLE ) WITH THE "WETLAND OVERLAY " AND PROPSED PARTION 541-451-5125
- 3) SEE ATTACHED PROPOSED DUPLEX " EXIBIT C"

WITH ANY QUESTIONS PLEASE CALL ANDY SNEGIREV 503-341-0940

EMAIL : [ateamoffices@gmail.com](mailto:ateamoffices@gmail.com)

Figure X:  
Wetland  
Determination  
Map (DRAFT)

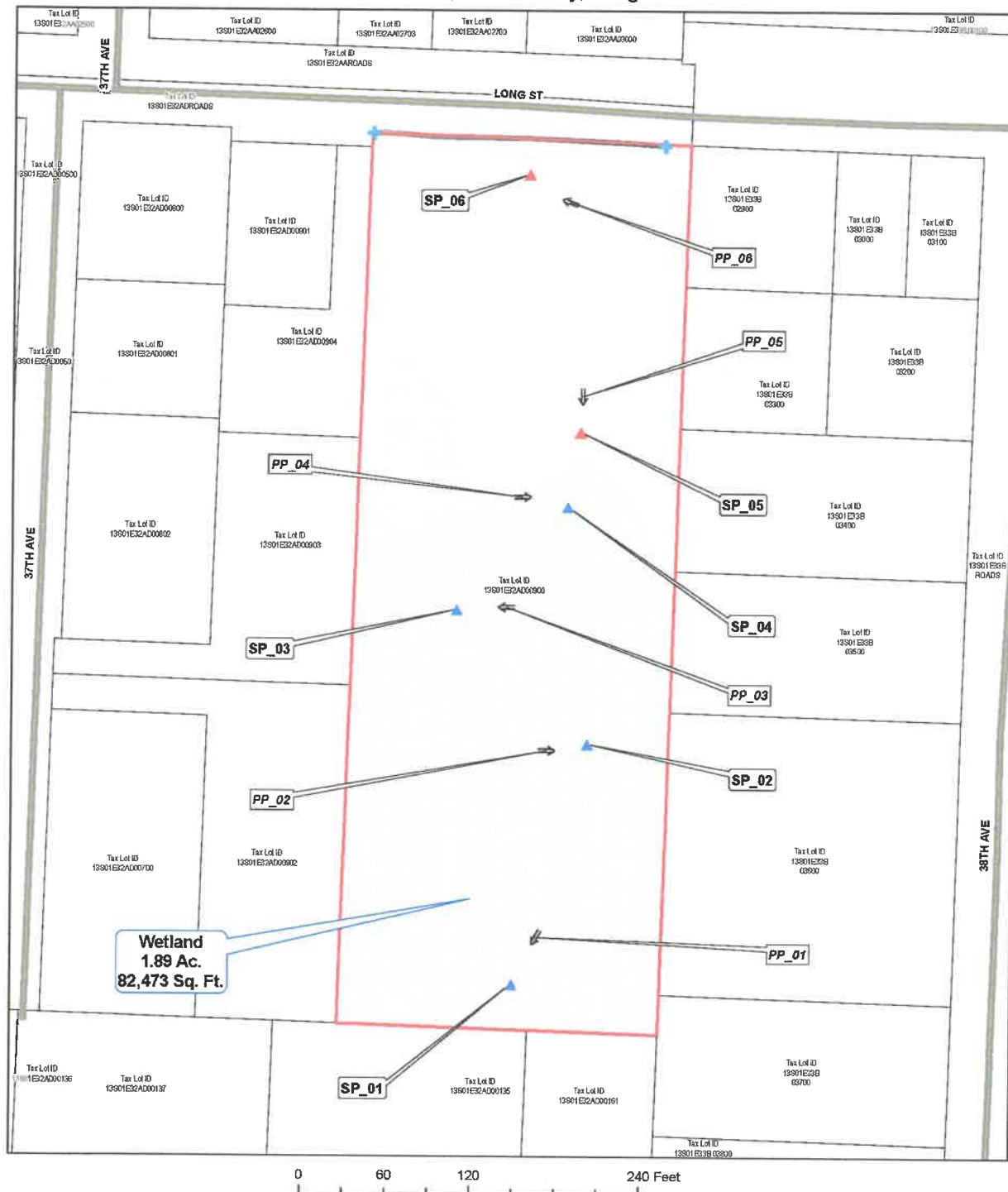
8/11/2021

# 3715 Long Street Tax Lot 13S01E32AD00900 Wetland Determination

Sweet Home, Linn County, Oregon



1:850



## Legend

- Road
- Study Area
- Tax Lots
- Fill Area
- Ditch
- Culvert
- Wetlands
- Sample Plots**
  - Upland
  - Wetland
  - Photo Point

## Notes:

1. All wetland points and boundary features were collected with a resource grade GPS and have an horizontal accuracy of 0.5 meter or less.
2. Tax lot boundaries provided by Linn County, spatial accuracy unknown.
3. Fill area wetland intersection totals about 0.27 acres.
4. Native size of map layout is 11"x17"



Exit "B"



SCALE:



LONG ST. RIGHT OF WAY WIDTH VARIES

10.00' RIGHT OF WAY DEDICATION

PARCEL 1  
10,000 SF

PARCEL 2  
10,000 SF

PROPOSED LOT LINE

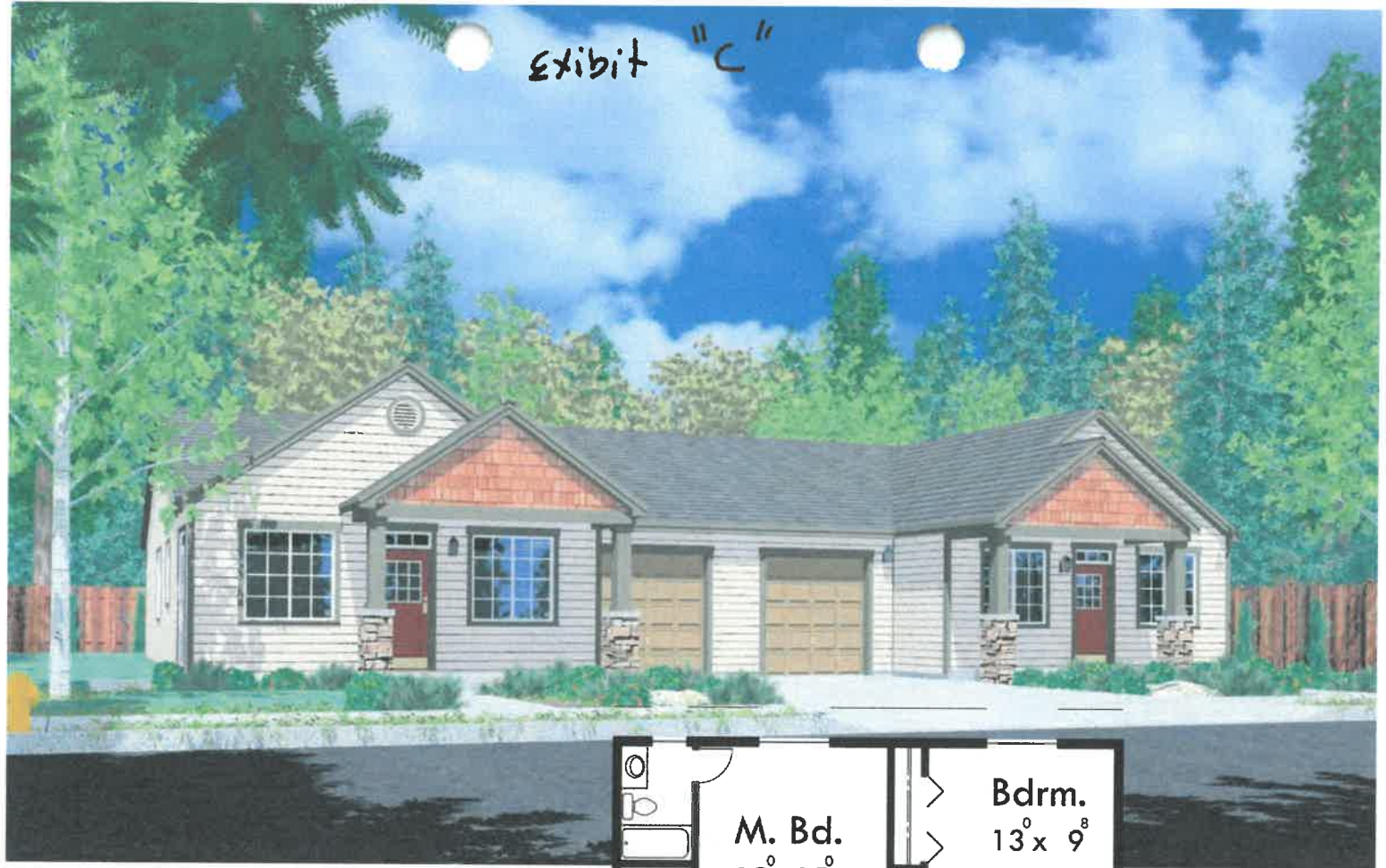
20' EMERGENCY VEHICLE  
TURNAROUND  
EASEMENT

PARCEL 3  
120,665 SF

WETLAND LIMITS PER  
TURNSTONE ENVIRON.  
2021 DELINEATION

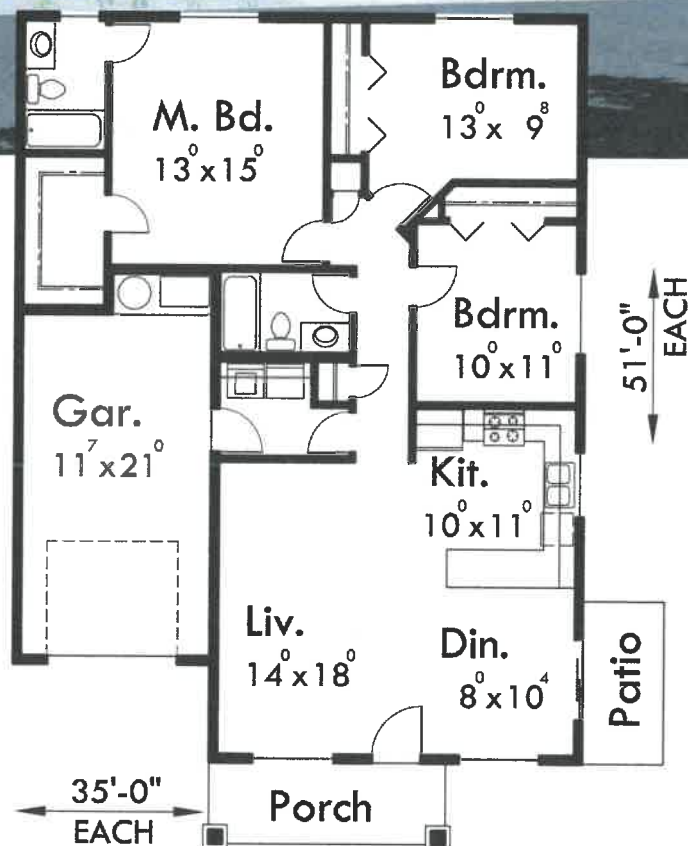


Exhibit "C"



### PLAN #D-459

MAIN FLR. 1265 SQ. FT.  
GARAGE 273 SQ. FT.



Bruinier & associates, inc. building designers  
503-246-3022 [www.houseplans.pro](http://www.houseplans.pro) & [www.bruinier.com](http://www.bruinier.com)  
1304 SW BERTHA BLVD. PORTLAND OREGON 97219

©

12

66

3/29/2022

File # CU22-07

Our biggest concerns about the Subject Property, is the rising water issue. We live on the South West side of the Subject Property and have been flooded 2x now since Subject Property dumped all the big piles of dirt onto Subject property. When water levels rise, there is a steady stream of water that comes from Subject property into neighboring ditches, then back flows into our ditch. There is no place for the water to go, except into our yard and around our house! If Subject Property can prevent anymore flooding issues from neighboring properties, it would be greatly appreciated,

Thank you,

David & Jessica Rone Jr.  
1101 37th Ave.  
Sweet Home, OR 97386  
(541) 401-3356



March 30, 2022

File # CU 22-07

3775 Long St

Sweet Home OR 97386

The above property goes back to my property at 3556 Kalnia St Sweet Home OR - I have lived there for over 26 years and the property has not been maintained not once since I moved in and even in the previous years of the other owners.

I have serious concerns in the summer when its so dry and overgrown that a fire could start and create a disaster. The trees are also quite high and I am concerned that they might fall on my property or house. They appear to be dead or diseased.

I have expressed my concerns to previous owners and the City of Sweet Home several times and so far no actions have been taken or any clean up done.



There has been clean up on the  
Long Street front property but  
the back has not been touched.

Please take the time to look at  
this back property and see  
if anything could be done. Woods  
cut and trees at least cut  
down or topped.

Thank you for your time  
and considering my concerns

Sally Wellham  
541-570-0231