



City of Sweet Home

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

Staff Report Presented to the Planning Commission

REQUEST: The applicant is requesting a conditional use permit to establish a home occupation (home business) on their property. The home occupation would consist of coffee roasting and online coffee retail operated by a resident of the property within the dwelling located on the property. The applicant expects to see little to no traffic for retail sales and no more than 10 people at a time for private tastings. The applicant will primarily contain parking on the subject property but may utilize street parking for tastings. The applicant will be the only employee.

The subject property contains approximately 8,133 square feet and is in the Residential Low Density (R-1) Zone.

APPLICANT: Austen Broun

PROPERTY OWNER: Austen Broun

FILE NUMBER(S): CU21-07

PROPERTY LOCATION: 1788 Grape Ct, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 13S01E31DA Tax Lot 02601.

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

HEARING DATE & TIME: **June 7, 2021 at 6:30 PM**

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

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

I. PROJECT AND PROPERTY DESCRIPTION

ZONING AND COMPREHENSIVE PLAN DESIGNATIONS:

Property	Zoning Designation	Comprehensive Plan Designation
Subject Property	Residential Low Density (R-1)	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 FIRM Maps; Panel 41043C0913G dates September 29, 2010, the subject property is not located in the 100-year floodplain.

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

Access: The subject property has frontage along Grape Court.

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

TIMELINES AND HEARING NOTICE:

Application Received: April 19, 2021

Application Deemed Complete: May 4, 2021

Notice Distribution to Neighboring Property Owners Within 100 feet and Service Agencies: May 5, 2021

Notice Published in New Era Newspaper: May 12, 2021

Date of Planning Commission Hearing: June 7, 2021

120-Day Processing Deadlines: September 1, 2021

II. COMMENTS

CEDD Engineering: Regarding the Conditional Use for the home occupation at 1788 Grape Court, there may be intermittent shipping traffic with the online business. Per County Survey #22648, the easement serving the residences in the private access portion of Grape Court is 25ft wide. With the asphalt pavement being about 19ft wide, visitor parking would be assumed to be along the east side of the private driveway and should be limited to the east side. On-street parking in the public portion of Grape Court is limited, in typical cul-de-sac's the curb line is occupied with driveway aprons.

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

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

Sweet Home Fire District: The Fire District has no issues with this request if on street parking does not block emergency access

Public Comments: See attachment C

III. REVIEW AND DESIGN CRITERIA

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

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

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

The standards for home occupations are listed in SHMC 17.80. Home occupations are not discussed in the individual zoning chapters. Based on the above, it is staff’s interpretation of the SHMC that home occupations can be established accessory to a residential use under the conditional use criteria listed in SHMC 17.80.

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

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

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

Staff Findings: The applicant is requesting this conditional use permit in order to establish a home occupation of a coffee roasting and online coffee retail operated by a resident of the property within the dwelling located on the property.

Per County Survey #22648, the easement serving the residences in the private access portion of Grape Court is 25ft wide. With the asphalt pavement being about 19ft wide, visitor parking would be assumed to be along the east side of the private driveway and should be limited to the east side. On-street parking in the public portion of Grape Court is limited, in typical cul-de-sac’s the curb line is occupied with driveway aprons.

Per the Public Comment Letter, dated May 12, 2021, the surrounding neighbors are concerned about parking for private tastings. The neighbors state that there is little to no parking in the cul-de-sac.

The Sweet Home Fire District is concerned about the off-street parking blocking emergency access.

Staff finds that the coffee roasting and on-line sales of coffee are adequate for the proposed use, however off-street parking for tastings is not adequate in this location

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

Staff Findings: The applicant has proposed a coffee roasting and online coffee retail. The home occupation would consist a coffee roasting and online coffee retail operated by a resident of the property within the dwelling located on the property. The applicant expects to see little to no traffic for retail sales and no more than 10 people at a time for private tastings. The applicant will primarily contain parking on the subject property but may utilize street parking for tastings. The applicant will be the only employee.

Staff finds that the coffee roasting and on-line sales of coffee do not have negative impacts on the adjacent properties, however off-street parking for tastings is not adequate in this location

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

Staff Findings: As the proposed use has no employees. The client stated he will have little to no traffic for retail sales. There are adequate water and sewer services at the proposed location, however staff does not recommend off-street parking for tastings.

E. Home occupations must meet the following standards:

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

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

The application complies with this criterion.

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

Staff Findings: The applicant expects to see little to no traffic for retail sales and no more than 10 people at a time for private tastings. The applicant will primarily contain parking on the subject property but may utilize street parking for tastings.

Staff finds that the coffee roasting and on-line sales of coffee do not have impacts on the on the flow of traffic, however off-street parking for tastings is not adequate in this location

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

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

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

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

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

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

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

IV. CONCLUSION AND RECOMMENDATION

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

Recommended Conditions If the Application is Approved:

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

V. PLANNING COMMISSION ACTION

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

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

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

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

1. Move to approve application CU21-07; 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 CU21-07; 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. Application
- C. Public Comments

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



CU21-07
Subject Property Map

Date: 5/5/21



1 inch = 90 feet

TO: Sweet Home Planning Commission

RE: Notice of public hearing and request for comment

Austen Broun File #: CU21-07

DATE: May 12, 2021

Our neighbor, Austen Broun, has applied for a public hearing to create an in-home business of coffee roasting and sampling. We wanted to take advantage at this time to present our thoughts on the proposal.

Mr. Broun has actually had the coffee roasting business in his garage for some time. This has not been a problem. However, now he wants to add private tasting times to the business and is asking to use street parking.

First of all, there is no street parking on Grape Court. Our street is actually a paved narrow road on a cul-d-sac. Our yards abutt the asphalt as there are no sidewalks. Each of us has to park in our garage or driveway, as you cannot park in the street because it is narrow. Mr. Broun has two cars and an inhabited travel trailer parked in his driveway. He cannot use his garage because his business is located there. We live at the end of the road and do have a little larger area of asphalt at the end of our drive so we can back out. There is no exit from our street. You drive in, back around and go back the way you came in. Think about it. What about emergency vehicles and delivery trucks trying to get to our home if the road was blocked by his business clients?

Our neighborhood is zoned Residential Low Density (R-1). There is absolutely no room for Mr. Broun to use for his own personal business.

Thank you for your consideration. We would invite each of you voting on this proposal to please come view the situation for yourselves.

Sincerely,

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